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Revised as of January 1, 1991

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PARTS 27 TO 45

Revised as of January 1, 1991

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To cite the regulations in this volume use title, part and section number. *Thus,* 7 CFR 27.1 *refers to* title 7, part 27, section 1.

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The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

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Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

Title 1 through Title 16	as of January 1
Title 17 through Title 27	as of April 1
Title 28 through Title 41	as of July 1
Title 42 through Title 50	as of October 1

The appropriate revision date is printed on the cover of each volume.

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The contents of the Federal Register are required to be judicially noticed (44 U.S.C. 1507). The Code of Federal Regulations is prima facie evidence of the text of the original documents (44 U.S.C. 1510).

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Martha L. Girard,
Director,
Office of the Federal Register.

January 1, 1991.

THIS TITLE

Title 7—Agriculture is composed of nineteen volumes. The parts in these volumes are arranged in the following order: Parts 0-26, 27-45, 46-51, Part 52, 53-209, 210-299, 300-399, 400-699, 700-899, 900-999, 1000-1059, 1060-1119, 1120-1199, 1200-1499, 1500-1899, 1900-1939, 1940-1949, 1950-1999, and Part 2000 to end. The contents of these volumes represent all current regulations codified under this title of the CFR as of January 1, 1991.

An alphabetical list of U.S. standards for grades of processed fruits, vegetables and certain other products appears in the Finding Aids section of the volume containing Part 52.

The Food and Nutrition Service current regulations in the volume containing Parts 210-299, include the Child Nutrition Programs and the Food Stamp Program. The regulations of the Federal Crop Insurance Corporation are found in the volume containing Parts 400-699.

All marketing agreements and orders for fruits, vegetables and nuts appear in the one volume containing Parts 900-999. All marketing agreements and orders for milk appear in three volumes containing Parts 1000-1199. Part 900—General Regulations is carried as a note in each of the three volumes containing Parts 1000-1199, and Part 1000—General Provisions of Federal Milk Marketing Orders is carried as a note in each of the two volumes containing Parts 1060-1199, as a convenience to the user.

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For this volume Sheli Fleming was Chief Editor. The Code of Federal Regulations publication program is under the direction of Richard L. Claypoole, assisted by Alomha S. Morris.

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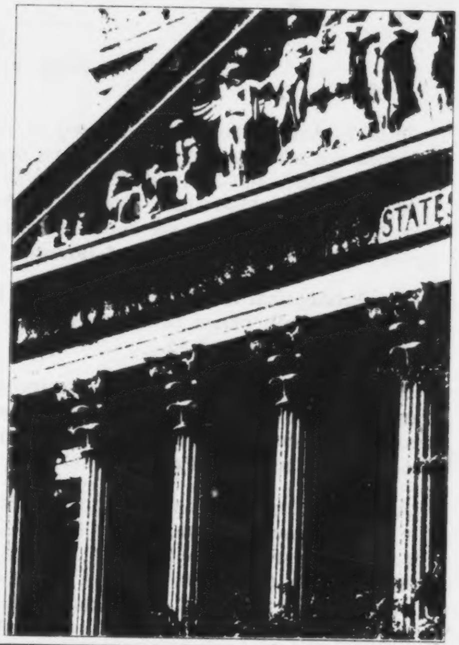

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Title 7—Agriculture

(This book contains Parts 27 to 45)

Part

SUBTITLE B—REGULATIONS OF THE DEPARTMENT OF AGRICULTURE:

CHAPTER I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture 27

CROSS REFERENCES: Animal and Plant Health Inspection Service, Department of Agriculture, see 7 CFR Chapter III; 9 CFR Chapter I.
Commodity Futures Trading Commission, see 17 CFR Chapter I.
Commodity Credit Corporation, Department of Agriculture, see 7 CFR Chapter XIV.
Customs Service, Department of the Treasury, see 19 CFR Chapter I.
Farm Credit Administration, see 12 CFR Chapter VI.
Farmers Home Administration, Department of Agriculture, see 7 CFR Chapter XVIII.
Federal Crop Insurance Corporation, Department of Agriculture, see 7 CFR Chapter IV.
Fish and Wildlife Service, Department of the Interior, see 50 CFR Chapters I and IV.
Food and Drug Administration, Department of Health and Human Services, see 21 CFR Chapter I.
Food Safety and Inspection Service, Meat and Poultry Inspection, Department of Agriculture, see 9 CFR Chapter III.
Forest Service, Department of Agriculture, see 36 CFR Chapter II.
Rural Electrification Administration, Department of Agriculture, see 7 CFR Chapter XVII.
Soil Conservation Service, Department of Agriculture, see 7 CFR Chapter VI.
United States International Trade Commission, see 19 CFR Chapter II.

NOTE: Other regulations issued by the Department of Agriculture appear in Chapters II to XLI of Title 7, and Chapter 4 of Title 48.

Subtitle B—Regulations of the Department of Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE [1]

(Standards, Inspections, Marketing Practices)

DEPARTMENT OF AGRICULTURE

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[1] Includes matters within the responsibility of the Federal Grain Inspection Service.

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

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AUTHORITY: 7 U.S.C. 15b, 7 U.S.C. 4736, 7 U.S.C. 1622(g).

SOURCE: 22 FR 10923, Dec. 28, 1957; 30 FR 7239, May 29, 1965, unless otherwise noted.

CROSS REFERENCE: For regulations relating to cotton classing, testing, and standards, and cottonseed sold or offered for sale for crushing purposes, see parts 28 and 61 of this chapter.

Subpart A—Regulations

DEFINITIONS

§ 27.1 Meaning of words.

Words used in this subpart in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

§ 27.2 Terms defined.

As used throughout this subpart, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *The Act.* The United States Cotton Futures Act (90 Stat. 1841-1846; 7 U.S.C. 15b).

(b) *Department.* The United States Department of Agriculture.

(c) *Service.* The Agricultural Marketing Service of the Department.

(d) *Administrator.* The Administrator of the Service, or any officer or employee of the Service, to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Administrator's stead.

(e) *Cotton Division.* The Cotton Division of the Service.

(f) *Director.* The Director of the Cotton Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in the Director's stead.

(g) *Marketing Services Office.* A facility of the Cotton Division established under the Act at any point.

(h) *Grading Section.* The National Classing Supervision Office at Memphis, Tennessee; performs final review of cotton classification.

(i) *Exchange.* Exchange, board of trade, or similar institution or place of business, at, on, or in which a basis grade contract may be made.

(j) *Exchange inspection agency.* The inspection agency of the New York Cotton Exchange, the New Orleans Cotton Exchange, the Board of Trade of the city of Chicago, or of any other exchange which may have an organized inspection agency recognized as such by the Director, as the case may be.

(k) *Basis grade contract.* Contract of sale of cotton for future delivery mentioned in the Act, made at, on, or in any exchange in compliance with subsection 15b(f) of the Act.

(l) *Person.* Individual, association, partnership, or corporation.

(m) *Owner.* Person who owns, controls, or has the disposition of any cotton.

(n) *Classification.* The determination of the grade and staple length of cotton by a cotton examiner.

(o) *Micronaire determination.* The measure of the fiber fineness and maturity of cotton, in combination, in terms of Micronaire readings as determined by an authorized employee of the Department in accordance with the official cotton standards of the United States for fiber fineness and maturity.

[22 FR 10923, Dec. 28, 1957, as amended at 32 FR 4157, Mar. 17, 1967; 42 FR 40677, Aug. 11, 1977; 48 FR 49210, Oct. 25, 1983]

GENERAL

§ 27.3 Requirements of subsection 15b(f) of the Act.

The inspection, sampling, classification, and Micronaire determination of cotton pursuant to subsection 15b(f) of the Act shall be performed as prescribed in this subpart. All tenders of cotton and settlements therefor under basis grade contracts shall be made subject to the regulations in this subpart. No contract shall for the purposes of this subpart be deemed to comply with subsection 15b(f) of the Act if it contain or incorporate therein, by reference or otherwise, any provision or any bylaw, rule, or custom of an exchange which is inconsistent or in conflict with any requirement of said subsection 15b(f), nor if the parties enter into any collateral or additional agreement or understanding, either verbal or written, respecting the subject matter of such contract which is inconsistent or in conflict with any requirement of said subsection 15b(f).

[42 FR 40677, Aug. 11, 1977]

§ 27.4 Obligations and rights under Act: not affected by regulations.

Nothing in this subpart shall be construed as relieving any party to a basis grade contract of any obligation imposed upon the party, or as depriving the party of any right to which the party might be entitled under any provision of the contract or exchange rule made a part thereof which shall not be inconsistent with the act or the regulations made under the Act.

[48 FR 49210, Oct. 25, 1983]

§ 27.5 Effect of amendments.

Any amendment to this subpart, unless otherwise stated therein, shall apply to all tenders of cotton and settlements therefor made on and after the effective date of such amendment, under basis grade contracts entered into prior, as well as subsequent, to such effective date.

[22 FR 10923, Dec. 28, 1957, as amended at 42 FR 40677, Aug. 11, 1977]

ADMINISTRATION

§ 27.8 Director.

The Director shall perform for and under the supervision of the Administrator, such duties as the Administrator may require in enforcing the provisions of the Act and this subpart.

§ 27.9 Marketing Services Offices; Grading Section.

Marketing Services Offices shall be maintained at points designated for the purpose by the Administrator. The Grading Section shall review the classification of any cotton in accordance with §§ 27.61 to 27.72. The Grading Section shall also perform other duties as assigned.

[48 FR 49210, Oct. 25, 1983]

§ 27.10 Supervision of cotton inspection, weighing, sampling; and other duties.

Authorized employees of the Cotton Division will act, when necessary, as supervisors of cotton inspection to supervise the inspection, weighing, and sampling of cotton to be classified and will perform such other duties as may be required of them for the purposes of this subpart.

[26 FR 1656, Feb. 25, 1961]

§ 27.11 Area Director, Marketing Services Office; responsibility.

Subject to this subpart and the instructions of the Director, the Area Director of each Marketing Services Office shall be responsible for the proper performance of the duties imposed on such office and on the persons connected therewith.

[48 FR 49210, Oct. 25, 1983]

CLASSIFICATION REQUESTS

§ 27.12 Classification request for each lot of cotton.

For each lot or mark of cotton of which the applicant desires separate classification and certification, the applicant shall make a separate written request in a form prescribed or supplied by the Cotton Division for that purpose.

[48 FR 49210, Oct. 25, 1983]

§ 27.13 Micronaire determination request incidental to classification request.

The classification request may include a request for Micronaire determination.

§ 27.14 Filing of classification and Micronaire determination requests.

Requests for classification shall be filed with the Marketing Services Office serving the location at which the cotton is stored. Requests for classification shall be filed within 30 days after sampling and before classification of the samples. The applicant may file a request for a review of classification as part of the request for classification. The applicant may file a request for Micronaire determination as part of the request for classification or may file a request for such determination, in a form prescribed by the Cottom Division within 7 business days following the date of the first certification of the cotton involved, provided this service has not been previously performed on such cotton, and the request is made prior to delivery of the cotton on a basis grade contract. Requests for Micronaire determinations may also be filed as provided in § § 27.62 and 27.63.

[48 FR 49210, Oct. 25, 1983]

§ 27.15 Withdrawal or rejection of classification or Micronaire determination requests.

Any request for classification or for Micronaire determination may be withdrawn by the applicant at any time before the classification or Micronaire determination of the cotton covered thereby, subject to the payment of such fees, if any, as may be prescribed under §§ 27.80 to 27.92. Any request for classification or for Micronaire determination may be rejected for noncompliance with the act or this subpart.

INSPECTION AND SAMPLES

§ 27.16 Inspection; weighing; samples; supervision.

The inspection, weighing, and sampling of cotton for which classification is desired and the preparation and delivery of samples to the Marketing Services Office shall be (a) under the supervision of a supervisor of cotton inspection, or (b) by or under the direction of an exchange inspection agency and subject to the supervision of a supervisor of cotton inspection.

[48 FR 49210, Oct. 25, 1983]

§ 27.18 Persons not to be employed for inspection or sampling.

No person shall, after notice to the interested parties, be employed in any way in connection with any phase of the inspection and sampling of cotton or the preparation of the samples thereof, for the purposes of classification under this subpart, who for good cause is disapproved by the Director.

§ 27.20 Drawing and handling of samples of cotton; inspection of bales.

One sample shall be drawn from the top side of each bale and one from the bottom side. Each such sample shall weigh not less than 5 ounces, the two samples from each bale to weigh together not less than 10 ounces. The bale shall be inspected and any condition not fully indicated by the samples shall be explained by the supervisor of cotton inspection or exchange inspection agency in a written memorandum, which shall acompany the samples to the Marketing Services Office. Samples shall not be dressed or trimmed and shall be carefully handled in such manner as not to cause loss of leaf, sand, or other material, or otherwise change their representative character. Any sample which does not meet the requirements of this section may be rejected by the supervisor of cotton inspection or the Area Director.

[48 FR 49210, Oct. 25, 1983]

§ 27.21 Preparation of samples of cotton.

The samples from each bale shall be prepared as specified in this section. The sample from the top side and the sample from the bottom side shall each be broken into two parts. One part of the sample from the top side shall be placed with a part of the sample from the bottom side, making two sets of samples from each bale. One of such sets shall weigh as nearly as possible 6 ounces, equally divided between the two parts thereof representing the two sides of the bale. There shall be placed in each such set of samples between the two sides thereof a coupon showing the number of the tag attached to the bale from which such samples were drawn. The 6-ounce set of samples from each bale shall be called the original and the other set the duplicate.

§ 27.22 Wrapping and marking of samples of cotton.

The original sets of samples of the bales constituting a lot or mark to be classified separately shall be inclosed in one or more wrappers or containers, as the case may require. The wrappers or containers of original samples shall be so labeled or marked, or both, as to show that they contain original samples, together with the lot number, if any, the marks, and the number of bales, and such other information as may be necessary in accordance with the instructions of the Area Director of the Marketing Services Office to which the samples are to be delivered.

[48 FR 49210, Oct. 25, 1983]

§ 27.23 Duplicate sets of samples of cotton.

The duplicate sets of samples shall be inclosed in wrappers or containers separate and apart from the original sets in the manner prescribed or original samples in the foregoing section, except that the wrappers or containers shall be labeled or marked, or both, so as to show that they contain duplicate samples and shall be delivered to the person requesting the classification of the cotton.

§ 27.24 Delivery of samples of cotton.

The original sample from each bale to be classified shall be delivered to the Marketing Services Office with which the classification request was filed, at its classification room. If there is no Marketing Services Office at the point where the cotton is sampled, the supervisor of cotton inspection or the exchange inspection agency shall forward the samples to the proper Marketing Services Office. No samples covered by pending classification requests which are ready for delivery as provided for herein shall be withheld from such delivery except as authorized in writing by the Area Director or the Director.

[48 FR 49210, Oct. 25, 1983]

§ 27.25 Additional samples of cotton; drawing.

In addition to the samples hereinbefore prescribed, separate samples, if desired, may be drawn and furnished to the owner of the cotton.

§ 27.28 Disposition of samples.

Samples submitted to a Marketing Services Office shall become the property of the Department and shall be disposed of in accordance with the property regulations of Department when no longer needed for classification or Micronaire determinations.

[48 FR 49211, Oct. 25, 1983]

CLASSIFICATION AND MICRONAIRE DETERMINATIONS

§ 27.31 Classification of cotton and Micronaire determinations; by whom made.

For the purposes of subsection 15b(f) of the act the classification of any cotton shall be determined only by cotton classers designated as such by the Director. Official Micronaire determinations, when requested, shall be made only by authorized employees of the Cotton Division.

[48 FR 49211, Oct. 25, 1983]

§ 27.32 Order of classification.

All cotton for which classifications requests shall be pending shall be classified as far as practicable in the order in which proper samples thereof, ready for such classification, shall have been delivered to the Marketing Services Office, except as otherwise provided in this subpart or when the Area Director or the Director shall find that an emergency exists and shall order otherwise.

[48 FR 49211, Oct. 25, 1983]

§ 27.33 Exposing of samples for classification.

Classification shall not proceed until the samples, after being delivered to the Marketing Services Office, shall have been exposed for such length of time as in the judgment of the Area Director shall be sufficient to put them in proper condition for the purpose.

[48 FR 49211, Oct. 25, 1983]

§ 27.34 Classification procedure.

Classification shall proceed as rapidly as possible, but not when light or other conditions make uncertain the accuracy of the results to be obtained.

§ 27.35 Lower class of two samples to prevail.

In case a sample drawn from one portion of a bale is lower in class than one drawn from another portion of such bale, except as otherwise provided in this subpart, the classification of the bale shall be that of the sample showing the lower class.

§ 27.36 Classification and Micronaire determinations based on official standards.

All cotton shall be classified for grade and staple length on the basis of the official cotton standards of the United States for grade and staple length in effect at the time of such classification. Micronaire determinations for cotton, upon request under § 27.14, § 27.62, or § 27.63 shall be made according to the official cotton standards of the United States for fiber fineness and maturity in effect at the time of such determinations.

§ 27.37 Cotton reduced in grade.

If cotton be reduced in grade, by reason of the presence of extraneous matter or other irregularities or defects, below its grade according to the official cotton standards of the United States, the grade from which it is so reduced, and the condition or reason which so reduces its grade shall be determined and stated.

[25 FR 5872, June 25, 1960]

§ 27.38 Terms defined for purposes of classification.

For the purposes of classification the following terms shall be construed, respectively, to mean:

(a) *Cotton of perished staple.* Cotton that has the strength of fiber as ordinarily found in cotton destroyed or unduly reduced through exposure to the weather either before picking or after baling, or through heating by fire, or on account of water packing, or by other causes.

(b) [Reserved]

(c) *Gin cut cotton.* Cotton that shows damage in ginning, through cutting by the saws, to an extent that reduces its value more than two grades.

(d) *Reginned cotton.* Cotton that has passed through the ginning process more than once, and cotton that, after having been ginned, has been subjected to a cleaning process and then baled.

(e) *Repacked cotton.* Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of cotton from two or more smaller bales or parts of bales that are combined after the cotton leaves the gin.

(f) *False packed cotton.* Cotton in a bale (1) containing substances entirely foreign to cotton, (2) containing damaged cotton in the interior with or without any indication of such damage upon the exterior, (3) composed of good cotton upon the exterior and decidedly inferior cotton in the interior, in such manner as not to be detected by customary examination, or (4) containing pickings or linters worked into the bale.

(g) *Mixed packed cotton.* Cotton in a bale which, in the sample taken therefrom, shows (1) a difference of three or more grades, or (2) a difference of three or more color groups, or (3) a difference in length of staple of one-eighth inch or more. For purposes of this paragraph, White Cotton (including the Plus grades), Light Gray Cotton, and Gray Cotton shall constitute one color group, and Light Spotted Cotton, Spotted Cotton, Tinged Cotton, and Yellow Stained Cotton shall each constitute a color group.

(h) *Water packed cotton.* Cotton in a bale that has been penetrated by water during the baling process, causing damage to the fiber, or a bale that through exposure to the weather or by other means, while apparently dry on the exterior, has been damaged by water in the interior.

[22 FR 10926, Dec. 28, 1957, as amended at 26 FR 5945, July 1, 1961; 32 FR 7011, May 9, 1967; 35 FR 17935, Nov. 21, 1970]

COTTON CLASS CERTIFICATES

§ 27.39 Issuance of certificates.

Except as otherwise provided in this section, as soon as practicable after the classification of cotton has been completed by a Marketing Services Office, the Marketing Services Office shall issue a cotton class certificate showing the results of such classification. Each certificate shall bear the date of its issuance and the name of the Area Director of the Marketing Services Office that classified the cotton. The certificate shall show the identification of the cotton according to the information in the possession of the Marketing Services Office, the classification of the cotton according to its grade and length of staple and such other facts as the Director may require. As soon as practicable after the Micronaire determination of cotton has been completed by an authorized employee of the Cotton Division, upon request under this subpart, the results of such determination shall be certified by the Marketing Services Office or by the Grading Section on the classification certificate for the cotton, with the date of issuance of the Micronaire determination, the name of the certifying officer, and such other facts as the Director may require. When a request is made for a review of classification and a Micronaire determination, at the same time as the request for initial classification, the Marketing Services Office shall notify the Grading Section of the results of the classification and the latter shall review the classification and make the Micronaire determination, and notify the Marketing Services Office of the results. The latter shall issue a cotton class certificate over the signature of the Head, Grading Section showing the results of the review classification (but not the initial classification), the Micronaire determination, the date of issuance of the certificate, and such other facts as the Director may require. The certificate of classification and Micronaire determination may be placed directly upon the warehouse receipt covering the cotton involved. The Marketing Services Office or the Grading Section may authorize an officer of the Service located at another point to certify the results of any classification or Micronaire determination upon the basis of information furnished by them, notwithstanding any other provisions of this section.

[48 FR 49211, Oct. 25, 1983]

§ 27.40 New certificates; conditions of issuance.

For the business convenience of a holder of a cotton class certificate issued under this subpart a new certificate may be issued at the request of the holder, to take the place of the former certificate without the reclassification of the cotton and without a new Micronaire determination for the cotton. In any case where a new certificate is issued in accordance with this section, the former certificate shall be surrendered for cancellation, and such new certificate shall bear a new number, the date of its issuance, and the date of original certification, and shall otherwise comply with this subpart.

§ 27.41 Lost certificate; duplicate.

Upon the written request of the last holder of a valid cotton class certificate and a showing to the satisfaction of the Area Director of the Marketing Services Office which issued such certificate, that it has been lost or destroyed and, if lost, that diligent effort has been made to find it without success, a new certificate shall be issued without the reclassification of the cotton and without a new Micronaire determination for the cotton. Such new certificate shall bear the same number and date of issuance as the lost or destroyed certificate, and shall include a statement to the effect that it is a duplicate issued in lieu of the lost or destroyed original, as the case may be.

[48 FR 49211, Oct. 25, 1983]

§ 27.42 Surrender of certificate.

For good cause any certificate issued under this subpart shall be surrendered to a Marketing Services Office for correction or cancellation. If such certificate be not surrendered upon request it shall nevertheless be invalid under subsection 15b(f) of the Act and this subpart.

[48 FR 49211, Oct. 25, 1983]

§ 27.43 Validity of cotton class certificates.

Each cotton class certificate for cotton classified as tenderable shall be valid for use in the tender of such cotton on a basis grade contract made in accordance with the Act and this subpart and the rules of an exchange not inconsistent therewith.

[22 FR 10926, Dec. 28, 1957, as amended at 42 FR 40677, Aug. 11, 1977]

§ 27.44 Invalidity of cotton class certificates.

Any cotton class certificate shall become invalid for use in the tender or delivery of the cotton covered thereby on a basis grade contract whenever such cotton shall be removed from the place of storage specified therein, except when it is handled and restored or transferred to a different place of storage and restored under the supervision of an exchange inspection agency or a supervisor of cotton inspection.

(90 Stat. 1841-1846; (7 U.S.C. 15b))

[22 FR 10926, Dec. 28, 1957, as amended at 26 FR 1657, Feb. 25, 1961; 42 FR 40677, Aug. 11, 1977]

§ 27.45 No storage of cotton for classification at disapproved place.

No cotton submitted for classification under subsection 15b(f) of the Act shall be located or stored at a place disapproved for the purpose by the Area Director or the Director on account of being unsuitable for the safekeeping or proper storage of such cotton, or on account of the failure or refusal of the custodian thereof to comply or to permit compliance with the requirements of this subpart. Notice of such disapproval shall be given in such manner as the Director may direct. Thereafter every cotton class certificate previously issued for cotton located or stored at such place shall be invalid for the delivery of such cotton on a basis grade contract, unless the cotton shall be removed under the supervision of an exchange inspection agency, or a supervisor of cotton inspection, to a place which shall be suitable for the purpose. Upon such removal and the request of the holder of the cotton class certificate for such cotton a new certificate in lieu thereof, as provided elsewhere in this subpart, shall be issued.

[48 FR 49211, Oct. 25, 1983]

§ 27.46 Cotton withdrawn from storage.

The exchange inspection agency under the supervision or control of which any cotton classified pursuant to this subpart shall be held or stored shall furnish to the Marketing Services Office which classified such cotton, on the first business day of each week, a written statement of all cotton withdrawn from storage, or the lot number or other identification of which has been changed, or which has otherwise been removed from the supervision or control of such exchange inspection agency during the next preceding week. Such statement shall show each lot number, and, if changed, the new lot number, and in case of the withdrawal or removal of a portion only of the lot, the tag numbers of the bales so withdrawn or removed. If such removal shall be to a different place of storage under the supervision or control of the exchange inspection agency, the statement shall show the new location.

[48 FR 49211, Oct. 25, 1983]

§ 27.47 Tender or delivery of cotton; conditions.

Subject to the provisions of §§ 27.52 through 27.55, 27.65, no cotton shall be tendered or delivered on a basis grade contract unless on or prior to the date fixed for delivery under such contract, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a valid outstanding cotton class certificate complying with the regulations in this subpart, showing such cotton to be tenderable on a basis grade contract.

[22 FR 10926, Dec. 28, 1957, as amended at 42 FR 40677, Aug. 11, 1977; 50 FR 47707, Nov. 20, 1985]

Delayed Certification

§ 27.52 Delivery without certification.

If upon the date fixed for delivery in accordance with subsection 15b(f) of the Act cotton class certificates shall not have been issued by a Marketing Services Office for cotton to be delivered pursuant to such notice, samples of which cotton shall have been in the custody of the Marketing Services Office for the time hereinafter prescribed, the delivery of such cotton may be made upon compliance with and subject to the conditions specified in §§ 27.52 through 27.55. Sections 27.52 through 27.55 shall not apply to cotton upon which a Marketing Services Office has already issued cotton class certificates pursuant to this subpart.

[48 FR 49212, Oct. 25, 1983, as amended at 50 FR 47707, Nov. 20, 1985]

§ 27.53 Notice for delayed certification; requirements.

On the date of giving the transferable notice of the delivery in accordance with subsection 15b(f) of the act the person issuing such notice or the person on whose behalf it was issued shall also give written notice to the Marketing Services Office with which the classification request was required to be filed, specifying the date of delivery and the number of bales so to be delivered which have not been certified. In such notice, or later in writing before the delivery of the samples to the Marketing Services Office the lot numbers of the cotton so to be delivered shall be specified.

[48 FR 49212, Oct. 25, 1983]

§ 27.54 Inspection and sampling for delayed certification.

Such cotton must have been duly inspected and sampled, and the original samples thereof properly prepared in accordance with this subpart must be delivered to the Marketing Services Office not later than the date of issuance of the transferable notice, except when the delivery day fixed by such transferable notice is the last delivery day in the month of delivery. In such case the cotton must have been duly inspected and sampled, and the original samples thereof properly prepared in accordance with this subpart must have been delivered to the Marketing Services Office in accordance with all regulations applicable and in readiness for classification not later than 8 p.m. of the second business day preceding such last delivery day.

[48 FR 49212, Oct. 25, 1983]

§ 27.55 Requirements in lieu of cotton class certificates on delivery day.

If on the morning of the delivery day specified in the transferable notice the cotton class certificates covering the cotton involved are not ready for delivery when called for, the tenderer of the cotton shall present to the receiver a receipt issued by an exchange inspection agency certifying that warehouse receipts, listed by lot numbers, representing cotton weighed and sampled in an approved warehouse under the supervision of such agency, have been received by the exchange inspection agency and are in the custody of the Cotton Division Marketing Services Office where certification requests are required to be filed. The requirements of §§ 27.52–27.55 shall be complied with prior to delivery by the tenderer of the agency's receipt to the receiver. Upon issuance by Marketing Services Office, the tenderer shall furnish to the receiver the cotton class certificates complying with the regulations in this subpart, showing the cotton to be tenderable on a basis grade contract.

[50 FR 47707, Nov. 20, 1985]

POSTPONED CLASSIFICATION

§ 27.57 Request for postponement.

If the applicant desires the postponement of the classification of any cotton covered by a classification request filed pursuant to the regulations in this subpart until later notice, the original classification request must so state, or the applicant must so advise the Marketing Services Office in writing before the classification has been entered upon. Such request must show cause and that it is not made merely for dilatory reasons.

[48 FR 49212, Oct. 25, 1983]

§ 27.58 Postponed classification; must be within 30 days.

If thereafter the classification of the cotton be desired, notice thereof shall be filed not later than the expiration of 30 days after the date upon which the samples were drawn from the cotton, and the original samples must have remained continuously in the possession of the Marketing Services Office or under its control.

[48 FR 49212, Oct. 25, 1983]

§ 27.59 Postponed classification; interference.

Classification pursuant to such suspended request shall not be allowed to interfere with or delay the classification of other samples previously made ready for classification or which are otherwise entitled to priority.

§ 27.60 When original request deemed withdrawn.

If the period of 30 days specified in § 27.58 shall expire without the filing of the notice of desire for classification the applicant shall be deemed to have withdrawn the original request for the classification of such cotton.

CLASSIFICATION REVIEWS AND MICRONAIRE DETERMINATIONS

§ 27.61 One review of classification.

One review only of the classification of the cotton covered by any cotton class certificate may be obtained as provided in §§ 27.62 to 27.72, such review to be performed by the Grading Section. Micronaire determinations are not subject to review.

[48 FR 49212, Oct. 25, 1983]

§ 27.62 Conditions for review of classification and for incidental Micronaire determination for original applicant.

The person for whom the classification of cotton has been or is to be performed under this subpart may have a review of such classification by filing a written application therefor before the delivery of such cotton on a basis grade contract and not later than the expiration of the seventh business day following the date of the first certification of the cotton involved. Such written application may be made at the same time as the request for initial classification. The written application may also include a request for Micronaire determination of the cotton if this service has not been previously performed.

[22 FR 10926, Dec. 28, 1957, as amended at 42 FR 40677, Aug. 11, 1977]

§ 27.63 Conditions for review of classification and for Micronaire determination for receiver.

Any receiver of cotton upon a basis grade contract who has not redelivered such cotton on a basis grade contract may have a review of the classification of any cotton of which the classification has not been previously reviewed by filing a written application within 7 business days following the date of the delivery of cotton class certificates in accordance with this subpart. When more than 5,000 bales of cotton shall have been delivered to the same receiver on the same date of delivery, the receiver may, upon proper showing of the facts, be allowed 5 additional business days for filing the application for review of the classification of any such cotton, provided written request for such extension is filed within 7 business days following the date of such delivery. In the event of the reissue of certificates to replace any certificates delivered, the receiver may have a review of the classification of the cotton covered by such reissued certificates, provided such review is requested within the time herein prescribed, calculated from the date of delivery of such reissued certificates. Any such receiver may also have a Micronaire determination, with or without review of classification, under these same conditions on cotton on which this service has not been previously performed under this subpart.

[48 FR 49212, Oct. 25, 1983]

§ 27.64 Application for review of classification and for Micronaire determination; filing.

(a) Every application review of classification or for Micronaire determination under § 27.62 or § 27.63 shall be filed with the Marketing Services Office serving the location at which the cotton is stored. The application shall in each case be in the hands of such Marketing Services Office within the time specified in § 27.62 or § 27.63 for applying for review: *Provided*, That any Marketing Services Office may designate any officer of the Cotton Division or a representative of an exchange inspection agency located at another point to receive applications, and in such cases the applications shall be in the hands of the persons so designated within the time specified. Any person making such application shall, upon call of the Marketing Services Office or person with whom such application was filed under this section, surrender the cotton class certificates covering the cotton involved.

(b) Such applications shall be made on a form furnished or approved by the Cotton Division and shall contain (1) the name and address of the party, if any, from whom the cotton was received on a basis grade contract; (2) the lot numbers of the cotton; and (3) the warehouse bale numbers.

[22 FR 10928, Dec. 28, 1957, as amended at 26 FR 1657, Feb. 25, 1961; 42 FR 40677, Aug. 11, 1977; 48 FR 49213, Oct. 25, 1983]

§ 27.65 Completion of review of classification.

In any case where an application for review of classification or an application for Micronaire determination has been filed with respect to cotton previously designated as tenderable, such review or determination may be completed notwithstanding the subsequent tender of such cotton on a basis grade contract.

[22 FR 10926, Dec. 28, 1957, as amended at 42 FR 40677, Aug. 11, 1977]

§ 27.66 Dismissal of application for review.

Any application for review may be dismissed whenever it shall be found by the Area Director or the Director that it was filed without good cause or for dilatory purposes.

[48 FR 49213, Oct. 25, 1983]

§ 27.67 Use of new samples in reviews and Micronaire determinations.

Unless the use of new samples shall be necessary in the judgment of the Area Director, a review classification pursuant to §§ 27.61 to 27.72, or a Micronaire determination pursuant to § 27.14, § 27.62 or § 27.63, shall be made by reference to the samples, if any, of the cotton involved in the possession of the Marketing Services Office; but if the use of new samples is deemed necessary by the Area Director, or if there are no samples of the cotton in the possession of the Marketing Services Office, or if the samples of the cotton have been in the possession of the Marketing Services Office for more than one year, the person requesting the review classsification or Micronaire determination shall cause new samples to be drawn for the purpose and submitted to the Marketing Services Office in accordance with this subpart.

[48 FR 49213, Oct. 25, 1983]

§ 27.69 Classification review; notations on certificate.

When a review of classification is made after the issuance of a cotton class certificate, the results of the review classification, the date of issuance of the review classification results, and the signature of the Head, Grading Section shall be entered on the cotton class certificate. Thereupon the certificate shall be returned to the person who requested the review.

[48 FR 49213, Oct. 25, 1983]

§ 27.72 Withdrawal of application for review.

Any application for review may be withdrawn by the applicant at any time before the review classification of the cotton covered thereby has been completed, subject to the payment of such fees, if any, as may be assessed pursuant to §§ 27.80 through 27.92.

TRANSFERS OF COTTON

§ 27.73 Supervision of transfers of cotton.

Whenever the owner of any cotton inspected and sampled for classification pursuant to this subpart and for which the owner holds valid cotton class certificates desires to transfer such cotton to a different delivery point, or to a different warehouse at the same delivery point, for the purpose of having it made available for delivery upon a basis grade contract, such transfer shall be effected under the supervision of an exchange inspection agency or a supervisor of cotton inspection.

[48 FR 49213, Oct. 25, 1983]

COSTS OF CLASSIFICATION AND MICRONAIRE

§ 27.80 Fees; classification, micronaire, and supervision.

For services rendered by the Cotton Division pursuant to this subpart, whether the cotton involved is tenderable or not, the person requesting the services shall pay fees as follows:

(a) Initial classification and certification—$2.00 per bale.

(b) Review classification and certification—$2.00 per bale.

(c) Micronaire determination and certification—30 cents per bale.

(d) Combination service—$3.50 per bale. (Initial classification, review classification, and Micronaire determination covered by the same request and only the review classification and Micronaire determination results certified on cotton class certificates.)

(e) Supervision, by a supervisor of cotton inspection, of the inspection, weighing, or sampling of cotton when any two or more of these operations are performed together—$1.60 per bale.

(f) Supervision, by a supervisor of cotton inspection, of the inspection, weighing, or sampling of cotton when any one of these operations is performed individually—$1.60 per bale.

(g) Supervision, by a supervisor of cotton inspection, of transfers of cotton to a different delivery point, including issuance of new cotton class certificates in substitution for prior certificates—$2.75 per bale.

(h) Supervision, by a supervisor of cotton inspection, of transfers of cotton to a different warehouse at the same delivery point, including issuance of new cotton class certificates in substitution for prior certificates—$2.00 per bale.

[51 FR 22061, June 18, 1986, as amended at 55 FR 20440, May 17, 1990]

§ 27.81 Fees; certificates.

For each new certificate issued in substitution for a prior certificate at the request of the holder thereof, for the purpose of business convenience, or when made necessary by the transfer of cotton under the supervision of any exchange inspection agency as provided in § 27.73, the person making the request shall pay a fee of $.70 cents for each certificate issued.

[55 FR 20440, May 17, 1990]

§ 27.83 No fees for certain certificates.

No fee shall be collected for a new cotton class certificate issued in lieu of a prior certificate solely for the purpose of correcting clerical errors therein or for the purpose of substituting a new form applicable to outstanding certificates, or without an application therefor.

§ 27.85 Fees; withdrawn requests or applications.

When the request for classification, or the application for review or classification, of any cotton or the request for Micronaire determination for any cotton shall be withdrawn after the service requested has been started pursuant to such request or application, the person making such request or application shall pay the fee prescribed by § 27.80 as to any service completed prior to such withdrawal.

§ 27.87 Fees; classification and Micronaire determination information.

Whenever the person who requests the classification of, or Micronaire determination for, any cotton, or the person on whose behalf such request is made, also requests the transmission by telegraph or telephone of information concerning such classification or Micronaire determination, the person making the request for such classification or determination shall pay, in addition to the applicable costs prescribed in this subpart, the cost of tolls incurred in such transmission.

§ 27.89 Expenses; inspection; sampling.

Expense of inspection and sampling, the preparation of the samples and the delivery of such samples in accordance with § 27.24, shall be borne by the party requesting the classification of the cotton involved. When a review of classification or a Micronaire determination is requested and samples of the cotton involved are not in possession of a Marketing Services Office, the expense of inspection, sampling, preparation of samples, and delivery of the samples to the Marketing Services Office shall be borne by the party requesting the service.

[48 FR 49213, Oct. 25, 1983]

§ 27.90 Bills for payment of fees and expenses.

The Cotton Division shall deliver bills to all persons from whom payment for fees or expenses on account of services under this subpart shall be due. Such bills shall be rendered as soon as practicable after the last day of each month for the amounts due and unpaid on such day. When necessary, in the discretion of the Area Director or the Director, any bill may be rendered at an earlier date for any fees and expenses then due by the person to whom such bill shall be rendered. Payment of any such bill shall be made as soon as possible after the rendition thereof, but in any event not later than 2 weeks after such rendition.

[48 FR 49213, Oct. 25, 1983]

§ 27.91 Advance deposit may be required.

If requested by the Area Director with whom the classification request is required to be filed or by the Director, the person from whom any payment under this subpart may become due shall make an advance deposit to cover such payment in such amount as may be necessary in the judgment of the official requesting the same.

[48 FR 49213, Oct. 25, 1983]

§ 27.92 Method of payment; advance deposit.

Any payment or advance deposit under this subpart shall be by check, draft, or money order, payable to the order of "Agricultural Marketing Service, USDA," and may not be made in cash except in cases where the total payment or deposit does not exceed $1.

Spot Markets

§ 27.93 Bona fide spot markets.

The following markets have been determined, after investigation, and are hereby designated to be bona fide spot markets within the meaning of the act:

Southeastern, North Delta, South Delta, East Texas and Oklahoma, West Texas, Desert Southwest and San Joaquin Valley. Such markets will comprise the following areas:

SOUTHEASTERN

All counties in the states of Alabama, Florida, Georgia, North Carolina and South Carolina and all counties in the state of Tennessee east of and including Stewart, Houston, Humphreys, Perry, Wayne and Hardin counties.

NORTH DELTA

All counties in the states of Arkansas and Missouri and all counties in Tennessee west of and including the counties of Henry, Benton, Henderson, Decatur, Chester and McNairy counties and the Mississippi counties of Alcorn, Benton, Calhoun, Chickasaw, DeSoto, Grenada, Itawamba, Lafayette, Lee, Marshall, Monroe, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union and Yalobusha.

SOUTH DELTA

All counties in the state of Louisiana and all counties in the state of Mississippi not included in the North Delta market.

EAST TEXAS AND OKLAHOMA

All counties in the state of Oklahoma and the Texas counties east of and including Montague, Wise, Parker, Erath, Comanche, Mills, San Saba, Mason, Sutton, Edwards, Kinney, Maverick, Webb, Zapata, Star and Hidalgo counties.

WEST TEXAS

All Texas counties not included in the East Texas, Oklahoma and Desert Southwest Markets and the New Mexico counties of Union, Quay, Curry, Roosevelt and Lea.

DESERT SOUTHWEST

The Texas counties of Val Verde, Crockett, Terrell, Pecos, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth and El Paso, all New Mexico counties except those included in the West Texas market, all counties in the state of Arizona and the California counties south of and including Riverside and Orange counties.

SAN JOAQUIN VALLEY

All California counties except those included in the Desert Southwest market.

[53 FR 29326, Aug. 4, 1988]

§ 27.94 Spot markets for contract settlement purposes.

The following are designated as spot markets for the purpose of determining as provided in paragraph 15b(f)(3) of the act, the differences above or below the contract price which the receiver shall pay for grades tendered or deliverable in settlement of a basis grade contract:

(a) For cotton delivered in settlement of any No. 2 contract on the New York Cotton Exchange:

Southeastern, North Delta, South Delta, Eastern Texas and Oklahoma, and Desert Southwest.

(b) [Reserved]

[53 FR 29327, Aug. 4, 1988]

PRICE QUOTATIONS AND DIFFERENCES

§ 27.95 Spot markets to conform to Act and regulations.

Every bona fide spot market shall, as a condition of its designation and of the retention thereof, conform to the act and any applicable regulations.

[53 FR 29327, Aug. 4, 1988]

§ 27.96 Quotations in bona fide spot markets.

The price or value and differences between the price or value of grades and staple lengths of cotton shall be based solely upon the official cotton standards of the United States and shall be the actual commercial value or price and differences as determined by the sale of spot cotton in such spot market. Quotations shall be determined and maintained in each designated spot market by the Cotton Division, Agricultural Marketing Service, USDA, as follows:

(a) In spot markets designated to determine differences for the settlement of futures contracts, the Cotton Division will on each business day determine and quote by bale volume the prices or values of base qualities which are deliverable on any active futures contracts, as well as the differences for all other qualities deliverable on such contracts. The prices or differences for non-deliverable qualities will be determined and quoted by bale volume in each such spot market for those qualities normally produced or traded in that particular market.

(b) In spot markets not designated to determine differences for the settlement of futures contracts, the Cotton Division will on each business day determine and quote by bale volume the prices or differences for all qualities of cotton normally produced or traded in each such spot market.

[53 FR 29327, Aug. 4, 1988]

§ 27.97 Ascertaining the accuracy of price quotations.

The buyers and sellers of cotton in each spot market shall be responsible for providing accurate and timely price, quality, and volume of purchases data by growth area to the Cotton Division. The Cotton Division is responsible for ascertaining the accuracy of the price quotations in each designated spot market. The Cotton Division will carry out this responsibility by performing the following duties and functions:

(a) The Cotton Division will collect and analyze pertinent information on the prices and values of spot cotton from each spot market.

(b) In the process of determining price quotations, the Cotton Division will contact a minimum of three buyers and sellers of cotton in each bona fide market at least two times per week during the active trading season and one time per week during the remainder of the year to obtain information on prices, qualities, volume, and terms of sales in sufficient detail to determine quotations.

(c) The Cotton Division will summarize the price and quality data and, based on analysis of this summary, make determinations regarding quotations of price, value and differences.

(d) Quotations for each spot market shall be reviewed and approved by the Cotton Division's Market News Branch Chief or Assistant Branch Chief prior to publication.

(e) The Cotton Division will publish the appropriate quotations by bale volume for grades, staple lengths, micronaire determinations, and other quality factors for each spot market on a daily basis.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under OMB control number 0581-0029.)

[53 FR 29327, Aug. 4, 1988]

§ 27.98 Value of grade where no sale; determination.

As provided in § 27.96, whenever no sale of a particular grade of cotton shall have been made on a given day in a particular spot market, the value of such grade in the market on that day will be determined as follows:

(a) If on such given day there shall have been in such market both a sale of any higher grade and a sale of any lower grade, the average of the declines, or advances, or decline and advance, as the case may be, of the next higher grade and the next lower grade so sold shall be deducted from, or added to, as the case may be, the value, on the last preceding business day, of the grade the value of which on such given day is sought to be ascertained.

(b) If on such given day there shall have been in such market a sale of either a higher or a lower grade, but not sales of both, the decline or advance of the next higher or the next lower grade so sold shall be deducted from, or added to, as the case may be, the value on the last preceding business day of the grade the value of which on such given day is sought to be ascertained.

(c) If on such given day there shall have been in such market no sale of spot cotton of any grade, the value of each grade shall be deemed to be the same as its value therein on the last preceding business day, unless in the meantime there shall have been bona fide bids and offers, or sales of hedged cotton, or other sales of cotton, or changes in prices of futures contracts made subject to the act, which in the usual course of business would clearly establish a rise or fall in the value of spot cotton in such market, in which case such rise or fall may be calculated and added to or deducted from the value on the preceding business day of cotton of all grades affected thereby.

[53 FR 29327, Aug. 4, 1988]

§ 27.99 Values; expression.

For the purpose of this subpart values shall be expressed in terms of cents and hundredths of a cent. A fraction of a hundredth, when equal to, or greater than, the half thereof, shall be treated as a hundredth, and when less than a half of a hundredth shall be disregarded.

[22 FR 10923, Dec. 28, 1957; 30 FR 7239, May 29, 1965. Redesignated at 53 FR 29328, Aug. 4, 1988]

§ 27.100 Administration.

The details of the method of carrying out the provisions of this subpart in each bona fide spot market shall be subject to the approval of the Director or shall be prescribed by the Director.

[48 FR 49214, Oct. 25, 1983. Redesignated at 53 FR 29328, Aug. 4, 1988]

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart A—Regulations Under the United States Cotton Standards Act

DEFINITIONS

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CROSS REFERENCE: For regulations relating to cotton classification under cotton futures legislation, and cottonseed sold or offered for sale for crushing purposes, see Parts 27 and 61 of this chapter.

SOURCE: 22 FR 10930, Dec. 28, 1957, unless otherwise noted.

Subpart A—Regulations Under the United States Cotton Standards Act

AUTHORITY: Sec. 5, 50 Stat. 62, as amended (7 U.S.C. 55); sec. 10, 42 Stat. 1519 (7 U.S.C. 61).

DEFINITIONS

§ 28.1 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 28.2 Terms defined.

As used throughout this subpart, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *The Act.* The United States Cotton Standards Act, approved March 4, 1923 (42 Stat. 1517; 7 U.S.C.

51 *et seq.*) with such amendments as may be made from time to time.

(b) *Regulations.* Regulations mean the provisions in this subpart.

(c) *Department.* The United States Department of Agriculture.

(d) *Secretary.* The Secretary of Agriculture of the United States, or any officer or employee of the Department who has been delegated, or who may hereafter be delegated the authority to act for the Secretary.

(e) *Service.* The Agricultural Marketing Service of the U.S. Department of Agriculture.

(f) *Administrator.* The Administrator of the Agricultural Marketing Service, or any officer or employee of the Service, who has been delegated, or who may hereafter be delegated the authority to act for the Administrator.

(g) *Division.* The Cotton Division of the Agricultural Marketing Service.

(h) *Director.* The Director of the Cotton Division, or any officer or employee of the Division who has been delegated, or who may hereafter be delegated the authority to act for the Director.

(i) *Classing Office.* A facility of the Cotton Division established under the act at any point.

(j) *Quality Control Section.* The national classing supervision office at Memphis, Tennessee performing final review of cotton classification and the classification of cotton linters.

(k) *Cotton classer.* An employee of the Department so designated by the Director after having passed the prescribed practical cotton classing examination.

(l) *License.* A license issued under the Act by the Secretary to sample cotton.

(m) *Licensed warehouse or gin.* A cotton warehouse or gin licensed under the United States Cotton Standards Act to sample cotton.

(n) *Cotton.* The word "cotton" as used in the Act means cotton of any variety produced within the continental United States, including linters. In this subpart, for administrative convenience the word "cotton" is used to signify vegetable hair removed from cottonseed in the usual process of ginning, and the word "linters" as defined in paragraph (n) of this section.

(o) *Linters.* Vegetable hair removed from cottonseed subsequent to the usual process of ginning.

(p) *Upland Cotton.* All cotton grown anywhere within the continental United States including the growths sometimes referred to as Upland, Gulf, and Texas cotton, but excluding American Pima growths.

(q) *Official Cotton Standards.* Official cotton standards of the United States for the grade of American Upland cotton, and American Pima cotton, for length of staple, and for fiber fineness and maturity, adopted or established pursuant to the Act, or any change or replacement thereof.

(r) *Universal standards.* The official cotton standards of the United States for the grade of American upland cotton.

(s) *Person.* Individual, association, partnership, or corporation, or two or more individuals having a joint or common interest.

(t) *Owner.* Person who through financial interest, owns, controls, or has the disposition either of cotton or of samples.

(u) *Custodian.* Person who has possession or control of cotton or of samples, as agent, controller, broker, or factor, as the case may be.

(v) *State.* A State, Territory, or district of the United States.

(Sec. 2, Pub. Res. 72-73, 47 Stat. 1621 (7 U.S.C. 51b); sec. 3c, Pub. L. 75-28, 50 Stat. 62 (7 U.S.C. 473c))

[22 FR 10932, Dec. 28, 1957, as amended at 28 FR 10633, Oct. 3, 1963; 30 FR 6637, May 14, 1965; 42 FR 24711, May 16, 1977; 46 FR 24927, May 4, 1981; 52 FR 30880, Aug. 18, 1987]

ADMINISTRATIVE AND GENERAL

§ 28.3 Director.

The Director shall perform for and under the supervision of the Secretary and the Administrator, such duties as the Secretary or the Administrator may require in enforcing the provisions of the Act and the regulations issued thereunder.

§ 28.4 Classing offices.

Classing Offices shall be maintained at points designated by the Administrator. Requests for the review of the classification and/or comparison of cotton performed by Classing Offices may be referred to the Quality Control Section.

[52 FR 30881, Aug. 18, 1987]

§§ 28.5—28.6 [Reserved]

§ 28.7 Area Director, Classing Office; responsibility.

Subject to this subpart and the instructions of the Director, the Area Director of each Classing Office shall be responsible for the proper performance of the duties imposed on such office and on the persons connected therewith. The Area Director shall be responsible for receiving all correspondence relating to the classification of cotton under the act and for providing that all samples are prepared for classification and/or comparison in such manner that the name of the owner and/or the custodian shall be unknown to the cotton classers until after the samples are classified.

[52 FR 30881, Aug. 18, 1987]

§ 28.8 Classification of cotton; determination.

For the purposes of the act, the classification and comparison of any cotton, samples, or types submitted to the Department shall be determined or made only by cotton classers properly qualified and designated as such by the Director, and the certificate of a Classing Office or the Quality Control Section with respect to any cotton shall be deemed to be the certificate of the Department.

[52 FR 30881, Aug. 18, 1987]

§ 28.9 Inspection; sampling; classification.

The inspection, sampling, and classification of cotton and cotton linters in the United States pursuant to the Act shall be performed as prescribed in this subpart. Subject in general to the provisions of this subpart the Director may issue from time to time instructions for the sampling, classification, and issuance of classification memoranda for cotton or cotton linters classed for special programs and other Government agencies, including the review of any classification performed pursuant to §§ 28.901 through 28.919.

REQUESTS FOR CLASSIFICATION AND COMPARISON

§ 28.15 Classification and comparison; requests.

All requests for classification and comparison shall be in writing on a form supplied by the Division and shall contain such information as the Director may require. For each lot or mark of cotton which the applicant desires classified or compared separately he shall specify which of the following forms of service is desired:

(a) *Form A determination.* The classification or comparison of samples freshly drawn and submitted to a Classing Office direct from a licensed warehouseman, at the request of the owner of the cotton or the owner's agent. Such classification or comparison shall be evidenced by a Form A memorandum which shall be subject to review as provided in § 28.66.

(b) *Form C determination.* The classification of bales of cotton inspected and sampled under the supervision of an employee of the Division. The classification in such cases shall be evidenced by a Form C certificate which shall be subject to review as provided in § 28.66.

(c) *Form D determination.* The classification or comparison of samples submitted by the owner of the cotton or the owner's agent. Such classification or comparison shall be evidenced by a Form D memorandum which shall be subject to review as provided in § 28.66.

(d) *Micronaire reading service.* Micronaire (mike) reading service is available under Forms A, C, and D determinations upon request from the applicant and subject to the fees specified in § 28.116 of this Part 28.

[22 FR 10932, Dec. 28, 1957, as amended at 31 FR 7734, June 1, 1966; 52 FR 30881, Aug. 18, 1987]

§ 28.16 Request for return of samples.

Any applicant desiring return of the samples after classification or comparison is completed, at the applicant's expense, shall indicate this service on the form used for requesting such classification or comparison.

[52 FR 30881, Aug. 18, 1987]

§ 28.17 Filing of requests for classification or comparison.

All requests for classification or comparison leading to Form A, Form D memoranda or, Form C certificates shall be filed with the Classing Office which serves the territory in which the cotton is located. Samples which are submitted to any Classing Office for classification or comparison may be referred by such Classing Office to another Classing Office for classification or comparison.

[52 FR 30881, Aug. 18, 1987]

§ 28.18 One request only for classification.

Not more than one request for a Form A determination, or a Form C determination, or a Form D determination of the same cotton, except a request for a review determination, shall be filed by the same owner within any 30-day period. Any subsequent request shall be accomplished by redrawn samples and the Area Director may require that any Form A or Form D memoranda, Form C certificates, or other classification data previously issued by a Classing Office with respect to samples purporting to represent the same cotton shall be returned before such redrawn samples are classed.

[52 FR 30881, Aug. 18, 1987]

§ 28.19 Withdrawal or rejection of classification request.

Any classification request may be withdrawn by the applicant at any time before the classification of the cotton covered thereby, subject to the payment of such fees, if any, as may be prescribed in these regulations. Any classification request may be rejected by the Area Director or the Head of the Quality Control Section for noncompliance with the act or this subpart.

[52 FR 30881, Aug. 18, 1987]

LICENSING OF WAREHOUSES AND GINS FOR SAMPLING

AUTHORITY: Sections 28.20 to 28.24 issued under sec. 2, Pub. Res. 72-73, 47 Stat. 1621 (7 U.S.C. 51b); sec. 3c, Pub. L. 75-28, 50 Stat. 62 (7 U.S.C. 473c).

SOURCE: Sections 28.20 to 28.24 appear at 42 FR 24711, May 16, 1977, unless otherwise noted.

§ 28.20 When license is required.

Samples for Form A determination shall be accepted under this subpart from licensed warehousemen only. Samples for classification pursuant to §§ 28.901 through 28.917 shall be accepted from licensed gins or warehouses. No license is required to sample cotton for Form C or Form D determination.

§ 28.21 Eligibility and application.

Any cotton warehouse or gin which may desire to submit samples for determination or classification for which a license is required under § 28.20 shall be eligible for a license. Application for licenses to draw and submit samples shall be submitted by warehouses and gins on forms furnished by the Division.

§ 28.22 Authority granted by license.

Licenses issued by the Division shall authorize the warehouse to draw and submit samples from cotton stored in the warehouse for Form A determination or for classification pursuant to §§ 28.901 through 28.917. Licenses issued by the Division shall authorize gins to draw and submit samples from cotton ginned at the gin for classification pursuant to §§ 28.901 through 28.917. Licenses shall be valid for a period of five years.

§ 28.23 Suspension or revocation of license.

(a) Any license issued to a warehouse or gin to sample cotton may be suspended or revoked, following notice and opportunity for hearing, if the licensee has knowingly or carelessly sampled cotton improperly, or has submitted improper samples for classification, or has violated any provision of the Act or the regulations, or has used the license, or allowed it to be used, for any improper purpose.

(b) *Procedure.* (1) All cases arising under this paragraph shall be conducted under the Uniform Rules of Practice, 7 CFR 1.130 *et seq.*, and instituted upon a complaint filed by the Administrator.

(2) In all cases except those involving willfulness, or in which the public health, interest, or safety otherwise requires, prior to the institution of a formal proceeding, the Administrator shall give written notice to the licensee of facts or conduct which appear to warrant institution of such a proceeding and shall afford the licensee the opportunity, within a reasonable time, to demonstrate or achieve compliance with the Act and regulations.

(c) *Suspension pending adjudication.* In any situation where the integrity of sampling procedures would be seriously jeopardized if a license remained valid pending formal adjudication, the Administrator may temporarily suspend the license effective on or after the third day after mailing notice thereof to the licensee's last know address. Notice of temporary suspension may be made at or after the filing of a complaint and shall contain the reasons for the action.

(d) *Conditional suspension.* (1) The Administrator may temporarily suspend a license, without hearing, for a correctable cause. Such suspension, after appropriate corrective action is taken, will terminate.

(2) Written notice shall be given to the licensee in advance of a temporary suspension if practicable, or within 2 days of oral notice, stating the reasons and grounds for temporary suspension.

(3) A licensee may request a formal hearing procedure following receipt of oral or written notice of temporary suspension.

(e) During any period in which the cotton sampling license of a warehouse or gin is suspended or revoked, the Division will not accept any samples from the licensee for Form A determination, or for classification pursuant to §§ 28.901 through 28.917.

§ 28.24 Surrender of license certificate.

In the event of suspension or revocation of a license, the licensee shall promptly surrender the license to the Division.

DRAWING, SUBMISSION AND DISPOSITION OF SAMPLES

§ 28.25 Samples for Form A determination.

Samples for Form A determination shall be drawn, handled, identified, and shipped by a licensed warehouse according to the methods and procedures specified in this section. Any samples or set of samples which do not meet these specified requirements may be rejected by the Area Director.

(a) Samples shall be freshly drawn.

(b) Each sample shall consist of two portions, one drawn from each side of the bale. Each portion shall be at least six (6) inches wide and approximately twelve (12) inches long and shall weigh at least three (3) ounces.

(c) Where it is necessary to draw two sets of samples, a single cut should be made in each side of the bale, and the portion of cotton removed from each cut should be broken in half across the layers to provide two complete samples. In those cases where this method would result in samples of insufficient length, it will be acceptable to split the sample lengthwise along the layers provided the outside portion from each side is submitted for the official classification.

(d) Dressing, trimming, or discarding part of the sample is prohibited. No part of the cotton or pieces of bagging, leaf, grass, dirt, sand, or any other material shall be removed from either side of the sample.

(e) A coupon showing the correct warehouse bale number and name and address of warehouse shall be placed between the two portions of each sample.

(f) Samples shall be identified and sacked immediately after they are cut without further handling prior to shipment to the Classing Office.

(g) Samples shall be addressed to and mailed, shipped, or delivered direct to the Classing Office serving the territory in which the warehouse is located. Samples shall in no case be consigned or routed through the owner or custodian of the cotton. Samples mailed or shipped shall be prepaid.

(h) The Area Director may require that any licensed warehouse shall provide the crop year, gin name and gin bale number for each sample submitted whenever the Area Director deems that such information is necessary in order to assure that each sample is properly identified with the correct bale of cotton.

(i) The licensed warehouse shall cooperate with employees of the Division making inspections of sampling procedures, and shall draw or permit the drawing of such additional samples, without charge as may be deemed necessary to appraise sampling procedures.

(Sec. 2, Pub. Res. 72-73, 47 Stat. 1621 (7 U.S.C. 51b); sec. 3c, Pub. L. 75-28, 50 Stat. 62 (7 U.S.C. 473c), sec. 10, 42 Stat. 1519, sec. 3c, 50 Stat. 62; 7 U.S.C. 61, 473c)

[28 FR 10633, Oct. 3, 1963, as amended at 42 FR 24712, May 16, 1977; 45 FR 46783, July 11, 1980; 52 FR 30881, Aug. 18, 1987]

§ 28.26 Samples for Form C determination.

Samples submitted for Form C determination shall be drawn under the supervision of a Division employee who shall retain custody or control of the samples until they are shipped prepaid or delivered at the applicant's expense to the Classing Office serving the territory in which the bales of cotton are located.

[52 FR 30881, Aug. 18, 1987]

§ 28.27 Samples for Form D determination.

Samples for Form D determination shall be shipped or delivered at the owner's expense to the Classing Office serving the territory in which the samples are located. A tag or coupon showing the bale number of the bale from which the sample was drawn, or other identification, shall be placed between the two portions of each sample.

[52 FR 30881, Aug. 18, 1987]

§ 28.28 Lost or damaged samples.

If any samples are lost, damaged, or mutilated, the Area Director shall inform the applicant.

[52 FR 30882, Aug. 18, 1987]

§ 28.29 Return of samples.

When so stipulated in the classification request for Form A, C or D detemination, the samples submitted shall be returned to the applicant at the applicant's expense, at the time the memorandum is issued or when the request for classification is withdrawn or rejected.

[52 FR 30882, Aug. 18, 1987]

§ 28.30 Samples not returned are property of Department.

Samples not returned in accordance with this subpart, and loose cotton separated from samples in the handling and classification thereof, shall become the property of the Department.

[28 FR 10633, Oct. 3, 1963]

VIOLATIONS

§ 28.31 Denial of service.

The Administrator may for good cause, including the acts or practices set forth in § 28.32, debar any person, including the agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the Act for a specified period, after notice and opportunity for hearing has been afforded. Procedures outlined, or referred, in part 50 of this chapter (7 CFR 50.1 *et seq.*) shall govern proceedings under this section.

(Sec. 2, Pub. Res. 72-73, 47 Stat. 1621 (7 U.S.C. 51b); sec. 3c, Pub. L. 75-28, 50 Stat. 62 (7 U.S.C. 473c))

[42 FR 24712, May 16, 1977]

§ 28.32 Misrepresentation; deceptive or fraudulent acts or practices; violations.

Any of the following acts or practices may result in debarment from any or all benefits of the Act:

(a) Any knowing misrepresentation or deceptive or fraudulent act or practice made or committed, or attempted to be committed, by any person in connection with (1) any request for classification, (2) the drawing, handling, identifying, or submitting of any samples for classification, (3) the making, issuing, or using of any memorandum or certificate of classification issued by a Classing Office or the Quality Control or (4) the changing of any warehouse bale tags or numbers after the cotton has been sampled for classification.

(b) Any knowing violation of the regulations in this subpart or of the Act.

[28 FR 10634, Oct. 3, 1963, as amended at 52 FR 30882, Aug. 18, 1987]

CLASSIFICATION

§ 28.35 Method of classification.

All cotton samples shall be classified on the basis of the official cotton standards of the United States in effect at the time of classification.

§ 28.36 Order of classification.

All samples for which classification requests are pending shall be classified, as far as practicable, in the order in which the samples are delivered for classification. When in the opinion of the Area Director there is a need to deviate from this order of classification, the Area Director shall designate which samples will be given priority in classification.

[52 FR 30882, Aug. 18, 1987]

§ 28.37 Exposing of samples for classification.

Classification shall not proceed until the samples, after being delivered to the Classing Office, shall have been exposed for such length of time as in the judgment of the Area Director shall be sufficient to put them in proper condition for the purpose.

[52 FR 30882, Aug. 18, 1987]

§ 28.38 Lower grade (of two samples) to determine classification.

If a sample drawn from one portion of a bale is lower in grade or shorter in length than one drawn from another portion of such bale, except as otherwise provided in this subpart, the classification of the bale shall be that of the sample showing the lower grade or shorter length.

§ 28.39 Cotton reduced in grade.

If cotton be reduced in grade, by reason of the presence of extraneous matter or other irregularities or defects, below its grade according to the official cotton standards of the United States, the grade from which it is so reduced, the grade to which it is so reduced, and the condition or reason which so reduces its grade shall be determined and stated.

[25 FR 5872, June 25, 1960]

§ 28.40 Terms defined; cotton classification.

For the purposes of classification of any cotton or of its comparison with a type or other samples, the following terms shall be construed, respectively, to mean:

(a) *Cotton of perished staple.* Cotton that has had the strength of fiber, as ordinarily found in cotton, destroyed or unduly reduced through exposure to the weather either before picking or after baling, or through heating by fire, or on account of water packing, or by other causes.

(b) *Micronaire (mike) reading.* The measurement of the fiber fineness and maturity, in combination, of cotton as determined by an airflow instrument. For any cotton that has a micronaire reading of 2.6 or lower, the Classing Office will enter the micronaire reading on all classification memoranda issued for such cotton.

(c) *Gin-cut cotton.* Cotton that shows damage in ginning through cutting by the saws, to an extent that reduces its value more than two grades.

(d) *Reginned cotton.* Cotton that has passed through the ginning process more than once, and cotton that, after having been ginned, has been subjected to a cleaning process and then baled.

(e) *Repacked cotton.* Cotton that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or cotton in a bale which is composed of cotton from two or more smaller bales or parts of bales that are combined after the cotton leaves the gin.

(f) *False packed cotton.* Cotton in a bale (1) containing substances entirely foreign to cotton; (2) containing damaged cotton in the interior with or without any indication of such damage upon the exterior; (3) composed of good cotton upon the exterior and decidedly inferior cotton in the interior, in such manner as not to be detected by customary examination; or (4) containing pickings or linters worked into the bale.

(g) *Mixed packed cotton.* Cotton in a bale which, in the sample taken therefrom, shows (1) a difference of three or more grades, or (2) a difference of three or more color groups, or (3) a difference in length of staple of one-eighth inch or more. For purposes of this paragraph, White Cotton (including the Plus grades), Light Gray Cotton, and Gray Cotton shall constitute one color group, and Light Spotted Cotton, Spotted Cotton, Tinged Cotton, and Yellow Stained Cotton shall each constitute a color group.

(h) *Water-packed cotton.* Cotton in a bale that has been penetrated by water during the baling process, causing damage to the fiber, or a bale that through exposure to the weather or by other means, while apparently dry on the exterior, has been damaged by water in the interior.

[22 FR 10933, Dec. 28, 1957, as amended at 26 FR 5945, July 1, 1961; 32 FR 7011, May 9, 1967; 52 FR 30882, Aug. 18, 1987]

SAMPLE OR TYPE COMPARISON

§ 28.45 Scope of comparison; requests.

A comparison of cotton samples with a type may be requested with respect to grade, or to staple, including any of the component qualities embodied in the grade, or to all these factors. The classification of the type and the samples in accordance with the official cotton standards of the United States may also be requested. The applicant must specify in a written request the scope of service desired.

[52 FR 30882, Aug. 18, 1987]

§ 28.46 Method of submitting samples and types.

The method of submitting samples and types for comparison shall be the same as that prescribed in this subpart for submitting samples for classification.

§ 28.47 Statement of finding of Classing Office in comparisons.

For each quality factor (grade, staple, etc.) of the samples that the applicant has requested to be compared to the type, the Classing Office shall state in its findings whether such quality factor for each sample is "better," "equal," or "deficient" in comparison with the type. When appropriate, the findings of the Classing Office may also show the amount of difference in grade and in length between the sample and the type as measured by the official cotton standards of the United States, and other explanatory notations as needed.

[52 FR 30882, Aug. 18, 1987]

CERTIFICATES AND MEMORANDA

§ 28.55 Issuance of memoranda and certificates.

As soon as practicable after the classification of cotton has been completed by a Classing Office, there shall be issued a cotton class memorandum or certificate of the appropriate kind showing the results of such classification. Upon request from an applicant, classification results may be issued in preliminary form on record sheets.

[52 FR 30882, Aug. 18, 1987]

§ 28.56 Form A and Form D memorandum.

(a) When a classification and/or comparison has been made of any samples submitted to a Classing Office direct from a public warehouse, the results of such classification and/or comparison may be stated in a Form A memorandum.

(b) When a classification and/or comparison has been made of any samples submitted by the owner of the cotton or the owner's agent, the results of such classification and/or comparison may be stated in a Form D memorandum.

(c) Form A and Form D memoranda shall not be deemed to be final certificates within the meaning of section 4 of the Act (42 Stat. 1517; 7 U.S.C. 54).

[22 FR 10930, Dec. 28, 1957, as amended at 52 FR 30882, Aug. 18, 1987]

§ 28.57 Form C certificate.

When classification has been made of cotton inspected and sampled under supervision of a Division employee there shall be issued a cotton class certificate known as a Form C certificate. Each Form C certificate shall show the true classification of the cotton in the respects specified in the request. Such certificate, when it has been once reviewed in accordance with § 28.66, shall be deemed to be a final certificate as to the classification shown, within the meaning of section 4 of the Act (42 Stat. 1517; 7 U.S.C. 54), in all cases except when superseded by a certificate or award made as provided in § 28.161.

§ 28.58 New memorandum or certificate; issuance.

Upon the written request of a holder of a cotton class memorandum or certificate issued under this subpart, a new memorandum or certificate shall be issued, without the reclassification of the cotton, to take the place of the former memorandum or certificate for any cotton covered thereby, when necessary on account of the breaking or splitting of a lot or otherwise for the business convenience of such holder. In any case where a new memorandum or certificate is requested in accordance with this section the former memorandum or certificate shall be surrendered for cancellation, and such new memorandum or certificate shall bear a new number and the date of its issuance and the date of original classification and shall otherwise comply with this subpart.

§ 28.59 Lost memorandum or certificate may be replaced by duplicate.

Upon the written request of the last holder of a valid Form A or Form D memorandum, or Form C Certificate and a showing to the satisfaction of the Area Director of the Classing Office which issued such memorandum or certificate that it has been lost or destroyed and, if lost, that diligent effort has been made to find it without success, a new memorandum or certificate shall be issued without the reclassification of the cotton. Such new memorandum or certificate shall bear the same number and date of issuance as the lost or destroyed memorandum or certificate and shall include a statement to the effect that it is a duplicate issued in lieu of the lost or destroyed original, as the case may be.

[52 FR 30882, Aug. 18, 1987]

§ 28.60 Surrender of memoranda or certificates.

For good cause, any memorandum or certificate issued under this subpart shall be surrendered to the Area Director of the Classing Office which issued it, upon the Area Director's request or upon the request of the Director. A new memorandum or certificate complying with this subpart may be issued in substitution therefor. If such memorandum or certificate be not surrendered upon such request, it shall nevertheless be invalid for the purposes of the act and this subpart.

[52 FR 30882, Aug. 18, 1987]

REVIEWS

§ 28.65 Provisions for reviews.

Reviews of classifications or comparisons represented by Form A or D memoranda or Form C certificates shall be governed by § 28.66.

§ 28.66 Review procedure.

A review of any Form A, C, or D determination may be requested by the owner or custodian of the cotton from which the sample was drawn within 30 days after the issuance of the original memorandum. Such review shall cover all of the quality factors for which the original determination was made. Requests for reviews of Form A or D determinations may be filed with, and the review made by, the Classing Office which issued such memorandum or the Quality Control System. Requests for reviews of Form C determinations shall be filed with, and the reviews made by, the Quality Control System. Redrawn samples shall be required for reviews of Form A and Form C determinations except in cases where the original samples have remained, identity preserved, in the custody of the Division. When redrawn samples are necessary, they shall be drawn and submitted as prescribed in this subpart. As evidence of a review determination, a Form A or D memorandum or Form C certificate appropriately marked to indicate that it represents a review determination shall be issued to the applicant requesting the review. The applicant may be required by the Classing Office or the Quality Control Section issuing such review determination to surrender the original classification memorandum or certificate. In any event the review determination shall supersede and invalidate the original determination.

[52 FR 30882, Aug. 18, 1987]

§ 28.68 Withdrawal of application for review.

Any application for review may be withdrawn by the applicant at any time before the review classification of the cotton covered thereby has been completed, subject to the payment of such fees, if any, as may be prescribed in this subpart.

PRACTICAL FORMS OF COTTON STANDARDS

§ 28.105 Practical forms of cotton standards.

(a) Practical forms of the cotton standards of the United States prepared in physical form, each certified under the seal of the U.S. Department of Agriculture and under the signature of the Administrator, thereto affixed by the Administrator or by some other official or employee of the Department duly authorized by the Administrator, and in the case of the standards for grade accompanied by photographs representing the cotton in such practical forms on the date of certification, are available for sale to any person requesting the same, subject to the other conditions of this section.

(b) Each application for practical forms of the cotton standards shall be upon an application form furnished by the Division, shall be signed by the applicant, and shall incorporate the following conditions:

(1) That no practical form of any of the cotton standards for the grade of American Upland cotton shall be considered or used as representing such standards after the date of its cancellation in accordance with this section or in any event after the expiration of 12 months following the date of its certification: Provided, That sets of practical forms stored, protected, and preserved in accordance with certain agreements for the adoption of universal standards may be used for such periods as may be prescribed in such agreements.

(2) That said practical forms and the photographs accompanying them shall be subject to inspection on any business day, between the hours of 9 a.m. and 4 p.m., by the Administrator or by an officer or agent of the Department authorized by the Administrator for that purpose.

(3) That the signature of the Administrator certifying to any practical form, or any photograph of said practical form accompanying the same, or both, may be cancelled if it be found, upon such inspection, either that copy of said forms for any reason misrepresents the cotton standards or that any such photographs have been altered or mutilated.

[22 FR 10930, Dec. 28, 1975, as amended at 48 FR 37003, Aug. 16, 1983; 52 FR 30883, Aug. 18, 1987]

§ 28.106 Universal cotton standards.

Whenever any of the official cotton standards shall have been adopted as universal standards by an association or exchange located in a country other than the United States, the name of such association or exchange may be shown on the outside of the box or container.

§ 28.107 Original cotton standards and reserve sets.

(a) The containers of the original Universal Standards and other official cotton standards of the United States currently adopted, whenever such official standards are represented by practical forms, shall be marked as prescribed in the order or orders of their establishment, and shall be wrapped and sealed. After being so marked, wrapped and sealed, they shall be held in secure storage in the custody of the U.S. Department of Agriculture. The Director may authorize the temporary removal of such containers from storage and the transporting of the containers to other locations for purposes of Universal Cotton Standards Conferences and other purposes as deemed necessary by the Director. Such containers shall remain in the control and custody of the Director until the original standards contained therein are superseded by new or revised standards.

(b) At each Universal Cotton Standards Conference held for approving key copies of the Universal Standards there shall be prepared two full sets of practical forms of copies of such standards, which shall be known as "Reserve Sets" and which, upon the certification and recommendation of qualified experts, shall be certified by such experts as true copies of the currently adopted standards as and when established. Such reserve sets shall be enclosed in metal-lined cases and sealed in the presence of a special committee duly authorized by the Director and composed of representatives from the associations attending the conference and the Department. The special committee shall deposit the set designated as the First Reserve Set in a vault in a bank in Memphis, Tenn. The Division shall keep the set designated as the Second Reserve Set in secure storage. These reserve sets shall remain sealed and deposited until such time as they shall be required for examination and use as set forth in paragraph (c) of this section.

(c) At the beginning of the next Universal Cotton Standards Conference, a special committee duly authorized by the Director and composed of representatives from the associations attending the conference and the Department shall deliver the First Reserve Set from its storage place to the site of the conference. This special committee shall witness the opening of the First Reserve Set for display at the conference. The Director shall arrange for removal of the Second Reserve Set from its storage place and for the transport of such set to the site of the conference. If upon examination of the First Reserve Set by representatives at the conference it should appear that such set has undergone any substantial change, the Second Reserve Set shall be opened and used in its stead.

(d) The First Reserve Set of each conference or the Second Reserve Set, if it has been used in place of the First Reserve Set, as provided in paragraph (c) of this section shall be retained by the Division until the currently adopted standards which they represent have been superseded by new or revised standards.

[30 FR 6637, May 14, 1965, as amended at 48 FR 16874, Apr. 20, 1983; 52 FR 30883, Aug. 18, 1987]

FEES AND COSTS

§ 28.115 Fees and costs; payment.

All charges for practical forms of cotton standards and all fees and expenses for services of inspection of bales and supervision of sampling, classification, comparison, or review by a Classing Office shall be paid at the time of filing the request for the service desired, except that in the discretion of the Director bills may be delivered to persons from whom payment or charges or fees may become due. Such bills shall be rendered as soon as practicable after the last day of each month for amounts due and unpaid on such dates. When necessary, in the discretion of the Area Director, any bill may be rendered at an earlier date for any charges or fees then due from the person to whom such bill may be rendered. Payment of any such bill shall be made as soon as possible after the rendition thereof, but in any event not later than the expiration of 2 weeks thereafter.

[52 FR 30883, Aug. 18, 1987]

§ 28.116 Amounts of fees for classification; exemption.

(a) For the classification of any cotton or samples, the person requesting the services shall pay a fee, as follows, subject to the additional fee provided by paragraph (c) of this section.

(1) Grade, staple, and micronaire reading—$1.50 per sample.

(2) Grade, staple only—$1.30 per sample.

(3) Grade only or staple only—$1.05 per sample.

(4) High Volume Instrument (HVI), including grade—$2.00 per sample.

(5) HVI, excluding grade—$1.65 per sample.

(b) When a comparison is requested of any samples with a type or with other samples, the fees prescribed in paragraph (a) (1) (2) and (3) of this section shall apply to every sample involved, including each of the samples of which the type is composed.

(c) An additional fee of 30 cents per sample shall be assessed for services described in paragraphs (a) and (b) of this section unless the request for service is so worded that the samples become Government property immediately after classification.

(d) For any review of classification or comparison of any cotton, the fees prescribed in paragraph (a) of this section shall apply. The additional fee prescribed in paragraph (c) of this section is not applicable to review of classification if made on the same sample as the original class or comparison.

[46 FR 48112, Oct. 1, 1981, as amended at 55 FR 20440, May 17, 1990]

§ 28.117 Fee for new memorandum or certificate.

For each new memorandum or certificate issued in substitution for a prior memorandum or certificate at the request of the holder, thereof, on account of the breaking or splitting of the lot of cotton covered thereby or otherwise for his business convenience, the person requesting such substitution shall pay a fee of 10 cents per bale or a minimum fee of $4.75 per sheet.

[55 FR 20441, May 17, 1990]

§ 28.118 When no fee collected for new certificate or memorandum.

No fee shall be collected for a new cotton class certificate or memorandum issued in lieu of a prior certificate or memorandum solely for the purpose of correcting clerical errors therein, or for the purpose of substituting a new form applicable to outstanding certificates or memorandums, or without an application therefor.

§ 28.119 Fee when request for classification is withdrawn.

When the request for the classification or comparison of any cotton or an application for review shall be withdrawn after the classification of such cotton has been started pursuant thereto, the person filing the same shall pay the prescribed fee as to any such cotton already classified.

§ 28.120 Expenses to be borne by party requesting classification.

For any samples submitted for Form A or Form D determinations, the expenses of inspection and sampling, the preparation of the samples and delivery of such samples to the classification room or other place specifically designated for the purpose by the Director shall be borne by the party requesting classification. For samples submitted for Form C determinations, the party requesting the classification shall pay the fees prescribed in this subpart and, in addition, a fee of $21.00 per hour, or each portion thereof, plus the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department applicable to the Division employee supervising the sampling.

[55 FR 20441, May 17, 1990]

§ 28.121 Advance deposits.

Upon request, the person from whom any payment under this subpart may become due shall make an advance deposit to cover such payment in such amount as may be necessary in the judgment of the official of the Division requesting the same.

§ 28.122 Fee for practical classing examination.

The fee for the complete practical classing examination for cotton or cotton linters shall be $140.00. Any applicant who passes both parts of the examination may be issued a certificate indicating this accomplishment. Any person who passes one part of the examination, either grade or staple, and fails to pass the other part, may be reexamined for that part that was failed. The fee for this practical reexamination is $85.00.

[55 FR 20441, May 17, 1990]

§ 28.123 Costs of practical forms of cotton standards.

The costs of practical forms of the cotton standards of the United States shall be as follows:

Effective date: July 1, 1989	Dollars each box or roll			
	Domestic shipments		Shipments delivered outside the continental United States	
	f.o.b. Memphis, Tenn.	Surface delivery	Air freight collect	Air parcel post delivered
Grade standards:				
American Upland	$110.00	$114.00	$110.00	$150.00
American Pima	140.00	144.00	140.00	180.00
Standards for length of staple:				
American Upland (prepared in one pound rolls for each length	16.00	18.00	16.00	30.00
American Pima (prepared in one pound rolls for each length)	17.00	19.00	17.00	31.00

[54 FR 23451, June 1, 1989]

§ 28.124 Payments; procedure.

Any payment or advance deposit under §§ 28.115 through 28.123 shall be by check, draft, or money order, payable to the order of the "Agricultural Marketing Service, USDA", and may not be made in cash except in cases where the total payment or deposit does not exceed $1.

[22 FR 10937, Dec. 28, 1957, as amended at 30 FR 6637, May 14, 1965]

§ 28.125 No voiding or modifying claims for payment.

Nothing in this subpart shall be construed to void or modify any claim which a person or party requesting and paying for a service may have against any other person or party for the payment of part or all of such costs.

§ 28.126 Loaning of forms and exhibits.

In the discretion of the Director, limited numbers of copies of the practical forms of any of the official standards, or specially prepared exhibits illustrating any of such standards or cotton samples, may be loaned to governmental agencies for official purposes or to educational and other institutions or organizations for demonstration purposes.

UNITED STATES COTTON LINTERS

§ 28.136 Applicability of other sections of regulations.

Insofar as applicable, and not inconsistent with §§ 28.136 through 28.151, the provisions of this subpart relating to cotton shall likewise apply to cotton linters.

§ 28.137 [Reserved]

§ 28.138 Classification and comparison; requests, memorandums and certificates.

For each lot or mark of linters which the applicant desires classified or compared separately the applicant shall make a separate written request specifying which of the following forms of service is desired. Only one request within a 30-day period shall be made by the same owner for the classification or comparison of the same linters, except a request for a review determination. If the applicant desires that the samples be returned at the applicant's expense, this must be indicated in the request for classification or comparison. If the return of samples is not requested they shall become the property of the Government and shall be disposed of in accordance with law and applicable regulations.

(a) *Form C determination.* The classification of bales of linters sampled under the supervision of an employee of the Department. The classification in such cases shall be evidenced by a Form C certificate which shall be subject to review as provided in § 28.146. Such certificate when it has been reviewed in accordance with § 28.146 shall be deemed to be a final certificate as to the classification shown, within the meaning of section 4 of the act (42 Stat. 1517; 7 U.S.C. 54).

(b) *Form D determination.* The classification or comparison of samples submitted for other than Form C determination. Such classification or comparison shall be evidenced by a Form D memorandum which shall be subject to review as provided in § 28.146.

[25 FR 4983, June 7, 1960, as amended at 52 FR 30883, Aug. 18, 1987]

§ 28.139 Filing of requests.

All requests for classification or comparison leading to Form D memoranda or Form C certificates shall be filed with the Quality Control Section unless otherwise directed by the Director.

[52 FR 30883, Aug. 18, 1987]

§ 28.140 Samples; weight; drawing.

Each sample submitted to the Quality Control Section shall weigh not less than 8 ounces; shall be wrapped separately; shall contain a coupon or tag showing the bale number or identity of bale from which drawn; and shall be drawn in the following manner:

(a) *Condenser system linters.* Separate portions shall be drawn from three different places in either head of the bale so as to provide as representative sample as possible, each portion to be approximately 6 by 8 inches in size. All portions of the bale sample shall be placed in a single paper sack or wrapper together with an identifying tag stub or other identification. The portions together shall constitute the sample representing one bale.

(b) *Flue and beater system linters.* A sample of not less than 8 ounces, consisting of equal portions drawn from two sides of a bale, or from two shoulders of a bale, shall be drawn.

[22 FR 10930, Dec. 28, 1957, as amended at 52 FR 30883, Aug. 18, 1987]

§ 28.142 Submission of samples.

All samples submitted to the Quality Control Section for classification or comparison under this subpart shall be delivered or sent to the Quality Control Section with all transportation charges thereto prepaid.

[52 FR 30883, Aug. 18, 1987]

§ 28.143 Method of classification.

The classification of all cotton linters samples shall be in accordance with the official cotton linters standards of the United States and §§ 28.143 through 28.145. The grade, staple, and character of each sample shall be determined and designated separately, together with any special conditions of the sample or bale.

§ 28.144 Samples falling between grades or staples.

In classification, a sample which is determined to be between two adjacent grades or between two adjacent staples shall be assigned the lower of the two grades or two staples.

§ 28.145 Terms defined; linters classification.

For the purposes of classification of any cotton linters or comparison with a type or other samples, the following terms shall be construed, respectively, to mean:

(a) *Grade.* The term grade means the color and trash in cotton linters.

(b) *Staple.* The staples of cotton linters as defined in the official cotton linters standards of the United States for staple, §§ 28.215 through 28.222.

(c) *Character.* The term character means the relative harshness of linters. In linters classification, character shall be described as follows: Soft (symbol S); Average (symbol A); Harsh (symbol H); or Extra Harsh (symbol EH).

(d) *Prime linters.* Prime linters are cotton linters which are equivalent in grade to the official grade standards and do not show evidence of excess trash, physical deterioration, the presence of objectionable odors, or other characteristics which prohibit its description in terms of the official grade standards.

(e) *Off grade linters.* Cotton linters which show evidence of physical deterioration, the presence of objectionable odors, or other characteristics which prohibit its description in terms of the official grade standards shall be designated as "Off Grade," and no specific grade assigned.

(f) *Excess trash.* Cotton linters that contain more trash than is represented in the grades described in §§ 28.201 through 28.208 shall be assigned that grade to which it is equal in color and further described by the term "Excess Trash." Such linters shall not be considered as prime linters.

(g) *Compound grades.* Cotton linters which in grade show a variation equal to that shown in any 2 or 3 adjacent grades of those described in §§ 28.201 through 28.208 shall be designated by the compound name of such grades.

(h) *Compound staples.* Cotton linters which in staple show a variation equal to that shown in any 2 or 3 adjacent staples of those listed in §§ 28.215 through 28.222 shall be designated by the compound name of such staples.

(i) *Mixed packed grades.* Cotton linters which in grade show a variation greater than that shown in any 3 adjacent grades of those described in §§ 28.201 through 28.208 shall be designated as "Mixed Packed" for grade on classification certificates and memoranda and the grades constituting the mixture shown.

(j) *Mixed packed staples.* Cotton linters which in staple show a variation greater than that shown in any 3 adjacent staples of those listed in §§ 28.215 through 28.222 shall be designated as "Mixed Packed" for staple on classification certificates and memoranda and the staples constituting the mixture shown.

(k) *Weak staple.* Cotton linters in which the strength of staple is below that normally found in linters of otherwise comparable staple shall be designated by the term "Weak" and no specific staple assigned.

(l) *False packed linters.* Linters in a bale (1) containing substances entirely foreign to linters; (2) containing damaged linters in the interior with or without any indication of such damage upon the exterior; (3) composed of good linters upon the exterior and decidedly inferior linters in the interior, in such manner as not to be detected by customary examination; or (4) containing motes, sweepings, or hull fiber worked into the bale.

(m) *Repacked linters.* Linters, that are composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or linters in a bale which is composed of linters from two or more smaller bales or parts of bales.

(n) *Water-packed linters.* Linters in a bale that has been penetrated by water during the baling process, causing damage to the fiber, or a bale that through exposure to the weather or by other means, while apparently dry on the exterior, has been damaged by water in the interior.

§ 28.146 Reviews.

A review of any Form C or Form D determination may be requested by the owner of the linters from which the sample was drawn, or the owner's agent, within 30 days after the issuance of the original certificate. Such request shall be filed with the Quality Control Section and shall be accompanied by the original classification memorandum or certificate or a statement explaining why the original classification document cannot be submitted. Redrawn samples will be required for reviews except in cases where the original samples have remained in the custody of the Quality Control Section. When redrawn samples are necessary, they shall be drawn and submitted in accordance with the applicable provisions of §§ 28.138, 28.140, and 28.142. A Form C certificate or Form D memorandum appropriately marked to indicate that it represents a review determination, shall be issued to the applicant requesting the review. The review classification document shall supersede the original classification document.

[52 FR 30883, Aug. 18, 1987]

§ 28.148 Fees and costs; classification; review; other.

The fee for the classification, comparison, or review of linters with respect to grade, staple, and character or any of these qualities shall be at the rate of $1.35 for each bale or sample involved. The provisions of §§ 28.115 through 28.126 relating to other fees and costs shall, so far as applicable apply to services performed with respect to linters.

[55 FR 20441, May 17, 1990]

§ 28.149 Fees and costs; Form C determination.

For samples submitted for Form C determinations, the party requesting the classification shall pay the fees prescribed in this subpart and, in addition, a fee of $21.00 per hour, or each portion thereof, plus the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of each request, in accordance with the fiscal regulations of the Department applicable to the Division employee supervising the sampling.

[55 FR 20441, May 17, 1990]

§ 28.151 Cost of practical forms for linters, period effective.

Practical forms of the official cotton linters standards of the United States will be furnished to any person subject to the applicable terms and conditions specified in § 28.105; *Provided*, That no practical form of any of the official cotton linters standards of the United States for grade shall be considered as representing any such standards after the date of its cancellation in accordance with this subpart, or, in any event, after the expiration of 12 months following the date of its certification. The cost of the practical forms of cotton linters standards of the United States shall be as follows:

Effective date: July 1, 1989	Dollars each box or roll			
	Domestic shipments		Shipments delivered outside the continental United States	
	f.o.b. Memphis, Tenn.	Surface delivery	Air freight collect	Air parcel post delivered
Linters Grade Standards (6 sample box for each grade)	$110.00	$114.00	$110.00	$150.00
Linters Staple Standards (prepared in one pound rolls for each length)	18.00	20.00	18.00	32.00

[54 FR 23452, June 1, 1989]

ADJUSTMENT OF CONTRACT DISPUTES

§ 28.160 Cotton examiners on foreign exchanges.

Whenever any association or exchange in any country other than the United States shall adopt the universal standards and establish them as the basis of all transactions and contracts for American upland cotton, made and executed according to its rules, the Director may appoint certain members or officials of such exchanges as cotton examiners. Insofar as the administration of the act applies to cotton involved in contracts made in accordance with the rules of such exchange, the administration shall be as prescribed in §§ 28.161 through 28.162.

§ 28.161 Disputes involving contracts for shipment of cotton from United States.

When an association or exchange located in a country other than the United States shall adopt any of the official cotton standards of the United States and when the members of the committee of such association or exchange having final jurisdiction in the matter of appeals have been designated as cotton examiners by the Director, such committee may be constituted for the purposes of this act a Board of the Department and authorized to act as follows:

(a) Insofar as the exchange has adopted the universal standards the committee may pass upon the classification of cotton involved in a dispute between a party in the United States and a party without the United States to a contract made under the rules of the association or exchange.

(b) The submission of samples of cotton involved in such a dispute to such association or exchange or such committee in accordance with the rules of the association or exchange shall be deemed to be a submission to the Department.

(c) Determinations of classification made by the boards so constituted shall be final. When so provided in the articles, rules, or bylaws of the association or exchange, such determinations may be evidenced by awards. If an award is made which does not state the classification, such board will, upon request of the owner or custodian of the cotton and the payment of a reasonable additional fee, issue a certificate showing in detail the true classification for grade and color of such cotton, based upon a comparison of the samples with the universal standards or with a type or other samples on which the cotton has been sold, as the case may be.

§ 28.162 Procedure.

The manner of procedure in submitting and handling samples, in classification and in instituting and conducting arbitrations and appeals shall be as prescribed in the articles, bylaws, and rules of the association or exchange.

PUBLICATIONS MEDIA

§ 28.165 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection requirements of the Office of Management and Budget contained in 7 CFR Part 28 under the Paperwork Reduction Act of 1980.

(b) *Display.*

7 CFR sections where identified and described	Current OMB control No.
28.15–28.19	0581–0008
28.20–28.24	0581–0008
28.25	0581–0009
28.66	0581–0008
28.105	0581–0008
28.115	0581–0008
28.120	0581–0008
28.122	0581–0008
28.139	0581–0008
28.146	0581–0008
28.177	0581–0008
28.181–28.184	0581–0008
28.904	0581–0009
28.906	0581–0009
28.911	0581–0008

[52 FR 30884, Aug. 18, 1987]

Subpart B—Classification for Foreign Growth Cotton and Cotton Linters

AUTHORITY: Sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624).

§ 28.175 Administrative and general.

Insofar as applicable, and not inconsistent with this subpart, the provisions of subpart A of this part shall likewise apply to the classification and comparison of cotton and cotton linters produced outside the continental United States.

§ 28.176 Designation of official certificates, memoranda, marks, other identifications, and devices for purpose of the Agricultural Marketing Act.

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Pub. L. 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said Act and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this subpart, the terms listed below shall have the respective meanings specified:

(a) *Official certificate* means any form of certification, either written or printed, used under this subpart to certify with respect to the inspection, sampling, class, grade, quality, quantity, or conditions of products (including the compliance of products with applicable specifications).

(b) *Official memorandum* means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling, pursuant to this subpart, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this subpart, and any report made by an authorized person of services performed pursuant to this subpart.

(c) *Official mark* means the grade mark, inspection mark, and any other mark, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U.S. Grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this subpart.

(d) *Official identification* means any United States (U.S.) standard designation of class, grade, quality, quantity, or condition specified in this subpart or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, quantity, or condition of the product, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) *Official device* means a stamping appliance branding device, stencil, printed label or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

§ 28.177 Request for classification and comparison of cotton.

The applicant shall make a separate written request, on a form supplied by the Division, for each lot or mark of cotton which the applicant desires classified or compared separately. The same applicant shall not file more than one request for the classification or comparison of the same cotton within any 30-day period except for a review classification or comparison as provided in § 28.181. All requests for classification or comparison in the United States shall be filed with the Classing Office which serves the territory in which the samples are located. If the cotton is stored outside the United States the request shall be filed with the Classing Office designated by the Director. The Area Director of any Classing Office may refer any request and the samples submitted to another office or to the Quality Control Section for classification or comparison.

[52 FR 30884, Aug. 18, 1987]

§ 28.178 Submission of cotton samples.

Samples of cotton submitted to a Classing Office for classification and/or comparison shall be drawn from both sides of the bale and shall be delivered to the Classing Office with which the request was filed, as soon as possible after the filing of such request. All such samples shall be enclosed in one or more wrappers, which shall be labeled or marked, or both, in such manner as to show the name and address of the owner, the lot number or marks, if any, the number of bales represented by the samples in each wrapper, and such other information as may be necessary in accordance with the instructions of the Area Director. All transportation charges incident to the submission of samples shall be prepaid by the party making the request or the requester's agent.

[52 FR 30884, Aug. 18, 1987]

§ 28.179 Methods of cotton classification and comparison.

The classification of samples from cotton produced outside the continental United States shall be on the basis of the official cotton standards of the United States in effect at the time of classification. When a comparison of such cotton samples with other actual samples or with a type is requested, the procedure and methods shall be as outlined in §§ 28.45 through 28.47.

§ 28.180 Issuance of cotton classification memoranda.

As soon as practicable after the classification or comparison of cotton has been completed by a Classing Office, there shall be issued a cotton classification memorandum which shall embody within its written or printed terms:

(a) The results of the classification or comparison.

(b) The name of the country in which the cotton was produced.

(c) The source from which the samples were received for classification.

(d) A statement that any classification made has been on the basis of the official cotton standards of the United States in effect at the time of such classification.

(e) The signature of the Area Director of the Classing Office, the location of the office, and the date of issuance of the memorandum.

[22 FR 10930, Dec. 28, 1957, as amended at 52 FR 30884, Aug. 18, 1987]

§ 28.181 Review of cotton classification.

A review of any classification or comparison made pursuant to this subpart may be requested by the owner or custodian of the cotton from which the sample was drawn within 30 days after the issuance of the original memorandum. Such request, accompanied by the original memorandum, may be filed with either the Classing Office which issued the original memorandum or the Quality Control Section. Redrawn samples shall be required except in cases where the original samples have remained, identity preserved, in the custody of the Classing Office which issued the original memorandum. As evidence of any review determination, a classification memorandum marked to indicate that it represents a review determination shall be issued to the applicant requesting the review.

[52 FR 30884, Aug. 18, 1987]

§ 28.182 Surrender of memoranda.

For good cause, any memorandum issued under this subpart shall be surrendered to the Area Director which issued it, upon the Area Director's request or upon the request of the Director, and a new memorandum complying with this subpart issued in substitution therefor. If the memorandum be not surrendered upon such request, it shall nevertheless be invalid for the purpose of this subpart.

[52 FR 30884, Aug. 18, 1987]

§ 28.183 Fees and costs; payment.

The provisions of §§ 28.115 through 28.126 relating to fees, costs, and method of payment shall apply to services performed with respect to cotton produced outside the continental United States.

§ 28.184 Cotton linters; general.

Requests for the classification or comparison of cotton linters pursuant to this subpart and the samples involved shall be submitted to the Cotton Division. All samples classed shall be on the basis of the official cotton linters standards of the United States. The fee for classification or comparison and the issuance of a memorandum showing the results of such classification or comparison shall be $1.35 per sample.

[55 FR 20441, May 17, 1990]

Subpart C—Standards

OFFICIAL COTTON LINTERS STANDARDS OF THE UNITED STATES FOR GRADE

AUTHORITY: Sec. 28.201 through 28.208 issued under sec. 10, 42 Stat. 1519 (7 U.S.C. 61). Interpret or apply sec. 6, 42 Stat. 1518, as amended (7 U.S.C. 56).

§ 28.201 Grade 1.

Grade 1 shall be U.S. cotton linters which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 1, effective July 1, 1956."

§ 28.202 Grade 2.

Grade 2 shall be U.S. cotton linters which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 2, effective July 1, 1956."

§ 28.203 Grade 3.

Grade 3 shall be U.S. cotton linters which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 3, effective July 1, 1956."

§ 28.204 Grade 4.

Grade 4 shall be U.S. cotton linters which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 4, effective July 1, 1956."

§ 28.205 Grade 5.

U.S. Grade 5 shall be cotton linters which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 5, effective July 1, 1956."

§ 28.206 Grade 6.

Grade 6 shall be U.S. cotton linters which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 6, effective July 1, 1956."

§ 28.207 Grade 7.

Grade 7 shall be U.S. cotton linters which in grade in within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 7, effective July 1, 1956."

§ 28.208 Chemical Grade.

U.S. cotton linters which in grade are below Grade 7 shall be designated as "Chemical Grade."

OFFICIAL COTTON LINTERS STANDARDS OF UNITED STATES FOR STAPLE

AUTHORITY: Sections 28.215 through 28.222 issued under sec. 10, 42 Stat. 1519 (7 U.S.C. 61). Interpret or apply sec. 6, 42 Stat. 1518, as amended (7 U.S.C. 56).

§ 28.215 Staple 1.

Staple 1 shall be U.S. cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the U.S. Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 1, effective July 1, 1957."

§ 28.216 Staple 2.

Staple 2 shall be U.S. cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the U.S. Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 2, effective July 1, 1957."

§ 28.217 Staple 3.

Staple 3 shall be U.S. cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the U.S. Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 3, effective July 1, 1957."

§ 28.218 Staple 4.

Staple 4 shall be U.S. cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the U.S. Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 4, effective July 1, 1957."

§ 28.219 Staple 5.

Staple 5 shall be U.S. cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the U.S. Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 5, effective July 1, 1957."

§ 28.220 Staple 6.

Staple 6 shall be U.S. cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the U.S. Department of Agriculture marked "Original Official Cotton Linters

Standard of the United States, Staple 6, effective July 1, 1957."

§ 28.221 Staple 7.

Staple 7 shall be U.S. cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the U.S. Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 7, effective July 1, 1957."

§ 28.222 Below 7 staple.

Cotton linters which in staple is below staple 7 will be designated as "Below 7" staple.

OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR LENGTH OF STAPLE

AUTHORITY: Sections 28.301 to 28.305 issued under sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended, sec. 4854, 68A Stat. 580; 7 U.S.C. 56, 26 U.S.C. 4854.

§ 28.301 Measurement: humidity; temperature.

The length of staple of any cotton shall be the normal length by measurement, without regard to quality or value, of a typical portion of its fibers under a relative humidity of the atmosphere of 65 percent and a temperature of 70° F.

§ 28.302 Terms of designation.

The length of staple of any cotton shall be designated by that one of the following terms which expresses its measurement in inches and fractions of an inch in accordance with § 28.301: "Below 13/16; 7/8; 29/32; 15/16; 31/32; 1; 1 1/32; 1 1/16; 1 3/32; 1 1/8; 1 5/32; 1 3/16; 1 7/32; 1 1/4; 1 9/32; 1 5/16; 1 11/32; 1 3/8; 1 13/32; 1 7/16; 1 15/32; 1 1/2; 1 17/32; 1 9/16; 1 19/32; 1 5/8; 1 21/32; 1 11/16; 1 23/32; 1 3/4; and upward in like manner in gradations of thirty-seconds, disregarding any fraction less than a thirty-second."

§ 28.303 Standards for length of staple for American upland cotton.

(a) Effective July 12, 1985, standards for the lengths of staple of American upland cotton shall be measurements as determined by the Suter-Webb Duplex Cotton Fiber Sorter in accordance with the test method prescribed in paragraph (c) of this section. Ranges for each official staple length are shown in the table below. Staple standards exceeding 1 1/4 inches, in graduations of thirty-second inches, will be expressed in increments of .041 inches.

[In inches]

Staple length	Upper quartile length range
13/16	.827-.847
7/8	.909-.929
29/32	.950-.970
15/16	.990-1.010
31/32	1.031-1.051
1	1.072-1.092
1 1/32	1.113-1.133
1 1/16	1.154-1.174
1 3/32	1.195-1.215
1 1/8	1.236-1.256
1 5/32	1.277-1.297
1 3/16	1.318-1.338
1 7/32	1.359-1.379
1 1/4	1.400-1.420

(b) Cotton selected for the preparation of practical forms of staple standards shall, to the extent practicable, measure at the mid-point of the appropriate staple range indicated in paragraph (a) of this section.

(c) Length measurements shall be performed in accordance with the "Standard Test Method for Length and Length Distribution of Cotton Fibers (Array Method), ANSI/ASTM D 1440-77 (1982), which is incorporated by reference pursuant to the provisions of 5 U.S.C. 552(a). This standard test method has been adopted by the American Society for Testing and Materials (ASTM) and approved as an American National Standard by the American National Standards Institute. It is published in the "Annual Book of ASTM Standards," Part 33, volume 07.02. Copies of the ASTM book and copies of ASTM standard D 1440-77 as a separate publication may be obtained from ASTM, Customer Service, 1916 Race Street, Philadelphia, PA 19103. A copy of the ASTM standard test method is also on file at the Office of the Federal Register. A notice of any change in the ASTM standard test method cited herein will be published in the FEDERAL REGISTER.

[49 FR 28391, July 12, 1984]

§ 28.304 Original representation of American Pima cotton staple lengths.

The following lengths of American Pima staple are represented by a quantity of cotton in the custody of the United States Department of Agriculture suitably contained and marked "Original Representation of Official Cotton Standards of the United States" followed in each instance by the name of growth, appropriate designation for staple length, and the effective date.

Staple length (inches)	Effective date
$1\frac{5}{16}$	Aug. 1, 1961
$1\frac{3}{8}$	Aug. 10, 1943
$1\frac{7}{16}$	Aug. 10, 1943
$1\frac{1}{2}$	Aug. 1, 1929

[49 FR 28391, July 12, 1984]

§ 28.306 Over $\frac{13}{16}$ inch staple.

Cotton which is more than thirteen-sixteenths of an inch in length of staple but is not exactly one of the measurements specified in § 28.302, shall be designated by that one of such measurements which comes nearest under its true measurement.

[22 FR 10930, Dec. 28, 1957. Redesignated at 49 FR 28391, July 12, 1984]

§ 28.307 Bale of different staple lengths.

Whenever the length of staple of cotton taken from one part of a bale is different from that taken from another part of the same bale, the length of staple of the cotton in such bale shall be that of the part which is the shorter.

[22 FR 10930, Dec. 28, 1957. Redesignated at 49 FR 28391, July 12, 1984]

OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR THE GRADE OF AMERICAN UPLAND COTTON

AUTHORITY: Sections 28.401 to 28.481 issued under sec. 10, 42 Stat. 1519; 7 U.S.C. 61. Interpret or apply sec. 6, 42 Stat. 1518, as amended; 7 U.S.C. 56, unless otherwise noted.

SOURCE: Sections 28.402 to 28.481 appear at 24 FR 5171, June 25, 1959, unless otherwise noted.

WHITE COTTON

§ 28.402 Good Middling.

Good Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Good Middling, effective July 1, 1987."

[27 FR 5535, June 12, 1962, as amended at 48 FR 16874, Apr. 20, 1983; 51 FR 23039, June 25, 1986]

§ 28.403 Strict Middling.

Strict Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling, effective July 1, 1987."

[27 FR 5535, June 12, 1962, as amended at 48 FR 16874, Apr. 20, 1983; 51 FR 23039, June 25, 1986]

§ 28.404 Middling Plus.

Middling Plus is American upland cotton which is Middling in leaf and preparation with Strict Middling color.

§ 28.405 Middling.

Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling, effective July 1, 1987."

[27 FR 5535, June 12, 1962, as amended at 48 FR 16874, Apr. 20, 1983; 51 FR 23039, June 25, 1986]

§ 28.406 Strict Low Middling Plus.

Strict Low Middling Plus is American upland cotton which is Strict Low Middling in leaf and preparation with Middling color.

§ 28.407 Strict Low Middling.

Strict Low Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling, effective July 1, 1987."

[27 FR 5535, June 12, 1962, as amended at 48 FR 16874, Apr. 20, 1983; 51 FR 23039, June 25, 1986]

§ 28.408 Low Middling Plus.

Low Middling Plus is American upland cotton which is Low Middling in leaf and preparation with Strict Low Middling color.

§ 28.409 Low Middling.

Low Middling is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling, effective July 1, 1987."

[27 FR 5535, June 12, 1962, as amended at 48 FR 16874, Apr. 20, 1983; 51 FR 23039, June 25, 1986]

§ 28.410 Strict Good Ordinary Plus.

Strict Good Ordinary Plus is American upland cotton which is Strict Good Ordinary in leaf and preparation with Low Middling color.

§ 28.411 Strict Good Ordinary.

Strict Good Ordinary is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States American Upland, Strict Good Ordinary effective July 1, 1987."

[27 FR 5535, June 12, 1962, as amended at 48 FR 16874, Apr. 20, 1983; 51 FR 23039, June 25, 1986]

§ 28.412 Good Ordinary Plus.

Good Ordinary Plus is American upland cotton which is Good Ordinary in leaf and preparation with Strict Good Ordinary color.

§ 28.413 Good Ordinary.

Good Ordinary is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Good Ordinary, effective July 1, 1987."

[27 FR 5535, June 12, 1962, as amended at 48 FR 16874, Apr. 20, 1983; 51 FR 23039, June 25, 1986]

LIGHT SPOTTED COTTON

§ 28.420 Good Middling Light Spotted.

Good Middling Light Spotted is American upland cotton which in leaf and preparation is Good Middling, but which in spot or color, or both, is between Good Middling and Good Middling Spotted.

§ 28.421 Strict Middling Light Spotted.

Strict Middling Light Spotted is American upland cotton which in leaf and preparation is Strict Middling, but which in spot or color, or both, is between Strict Middling and Strict Middling Spotted.

§ 28.422 Middling Light Spotted.

Middling Light Spotted is American upland cotton which in leaf and preparation is Middling, but which in spot or color, or both, is between Middling and Middling Spotted.

§ 28.423 Strict Low Middling Light Spotted.

Strict Low Middling Light Spotted is American upland cotton which in leaf and preparation is Strict Low Middling, but which in spot or color, or both, is between Strict Low Middling and Strict Low Middling Spotted.

§ 28.424 Low Middling Light Spotted.

Low Middling Light Spotted is American upland cotton which in leaf and preparation is Low Middling, but which in spot or color, or both, is between Low Middling and Low Middling Spotted.

§ 28.425 Strict Good Ordinary Light Spotted.

Strict Good Ordinary Light Spotted is American Upland cotton which in leaf and preparation is Strict Good Ordinary, but which in spot or color, or both, is between Strict Good Ordinary and Strict Good Ordinary Spotted.

[48 FR 37003, Aug. 16, 1983; 51 FR 23039, June 25, 1986]

SPOTTED COTTON

§ 28.430 Good Middling Spotted.

Good Middling Spotted is American upland cotton which in color, leaf, and preparation is better than Strict Middling Spotted.

§ 28.431 Strict Middling Spotted.

Strict Middling Spotted is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling Spotted, effective July 1, 1987."

[27 FR 5535, June 12, 1962, as amended at 48 FR 16874, Apr. 20, 1983; 51 FR 23039, June 25, 1986]

§ 28.432 Middling Spotted.

Middling Spotted is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling Spotted, effective July 1, 1987."

[27 FR 5535, June 12, 1962, as amended at 48 FR 16874, Apr. 20, 1983; 51 FR 23039, June 25, 1986]

§ 28.433 Strict Low Middling Spotted.

Strict Low Middling Spotted is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling Spotted, effective July 1, 1987."

[27 FR 5535, June 12, 1962, as amended at 48 FR 16874, Apr. 20, 1983; 51 FR 23039, June 25, 1986]

§ 28.434 Low Middling Spotted.

Low Middling Spotted is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling Spotted, effective July 1, 1987."

[27 FR 5535, June 12, 1962, as amended at 48 FR 16874, Apr. 20, 1983; 51 FR 23039, June 25, 1986]

§ 28.435 Strict Good Ordinary Spotted.

Strict Good Ordinary Spotted is American Upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Good Ordinary Spotted, effective July 1, 1987."

[51 FR 23039, June 25, 1986]

TINGED COTTON

§ 28.441 Strict Middling Tinged.

Strict Middling Tinged is American upland cotton which in color, leaf, and preparation is better than Middling Tinged.

[39 FR 22939, June 25, 1974]

§ 28.442 Middling Tinged.

Middling Tinged is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the

United States, American Upland, Middling Tinged, effective July 1, 1987."

[27 FR 5536, June 12, 1962, as amended at 48 FR 16874, Apr. 20, 1983; 51 FR 23039, June 25, 1986]

§ 28.443 Strict Low Middling Tinged.

Strict Low Middling Tinged is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling Tinged, effective July 1, 1987."

[27 FR 5536, June 12, 1962, as amended at 48 FR 16874, Apr. 20, 1983; 51 FR 23039, June 25, 1986]

§ 28.444 Low Middling Tinged.

Low Middling Tinged is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling Tinged, effective July 1, 1987."

[27 FR 5536, June 12, 1962, as amended at 48 FR 16874, Apr. 20, 1983; 51 FR 23039, June 25, 1986]

YELLOW STAINED COTTON

§ 28.451 Strict Middling Yellow Stained.

Strict Middling Yellow Stained is American upland cotton which in leaf and preparation is Strict Middling Tinged, but which in color is deeper than Strict Middling Tinged.

§ 28.452 Middling Yellow Stained.

Middling Yellow Stained is American upland cotton which in leaf and preparation is Middling Tinged, but which in color is deeper than Middling Tinged.

LIGHT GRAY COTTON

§ 28.460 Good Middling Light Gray.

Good Middling Light Gray is American upland cotton which in color is Middling and which in leaf and preparation is Good Middling.

§ 28.461 Strict Middling Light Gray.

Strict Middling Light Gray is American upland cotton which in color is Strict Low Middling and which in leaf and preparation is Strict Middling.

§ 28.462 Middling Light Gray.

Middling Light Gray is American upland cotton which in color is Low Middling and which in leaf and preparation is Middling.

[49 FR 13861, Apr. 9, 1984]

§ 28.463 Strict Low Middling Light Gray.

Strict Low Middling Light Gray is American upland cotton which in color is Strict Good Ordinary and which in leaf and preparation is Strict Low Middling.

GRAY COTTON

§ 28.470 Good Middling Gray.

Good Middling Gray is American upland cotton which in color is Strict Low Middling and which in leaf and preparation is Good Middling or better.

§ 28.471 Strict Middling Gray.

Strict Middling Gray is American upland cotton which in color is Low Middling and which in leaf and preparation is Strict Middling or better.

§ 28.472 Middling Gray.

Middling Gray is American upland cotton which in color is Strict Good Ordinary and which in leaf and preparation is Middling or better.

§ 28.473 Strict Low Middling Gray.

Strict Low Middling Gray is American upland cotton which in color is Good Ordinary and which in leaf and preparation is Strict Low Middling or better.

BELOW GRADE COTTON

§ 28.475 Below grade cotton.

Below grade cotton is American Upland cotton which is lower in grade than Good Ordinary, or Strict Good Ordinary Light Spotted, or Strict

Good Ordinary Spotted, or Low Middling Tinged, or Middling Yellow Stained, or Strict Low Middling Gray. In cotton classification, the official designation for such cotton is Below Grade. The term Below Good Ordinary, or Below Strict Good Ordinary Light Spotted, or Below Strict Good Ordinary Spotted, or Below Low Middling Tinged, or Below Middling Yellow Stained, or Below Strict Low Middling Gray and other additional explanatory terms considered necessary to describe adequately the condition of the cotton may be entered on classification memorandums or certificates.

[48 FR 37003, Aug. 16, 1983; 51 FR 23039, June 25, 1986]

GENERAL

§ 28.480 General.

American upland cotton which in color, leaf, and preparation is within the range of the standards established in this part, but which contains a combination of color, leaf, and preparation not within any one of the standards set out in this part, shall be designated according to the standard which is equivalent to, or if there be no exact equivalent is next below, the average of all the factors that determine the grade of the cotton: *Provided,* That in no event shall the grade assigned to any cotton or sample be more than one grade higher than the grade classification of the color or leaf contained therein.

§ 28.481 Alternate title for standards.

Since these standards have been agreed upon and accepted by the leading European cotton associations and exchanges, they may also be termed and referred to as the "Universal Standards for American Cotton."

§ 28.482 United States Cotton Futures Act.

The cotton standards contained in § 28.301 through § 28.603 of this part shall be effective for purposes of the United States Cotton Futures Act (7 U.S.C. 15b) and the regulations thereunder (7 CFR Part 27).

(Sec. 10, 42 Stat. 1519, sec. 3c, 50 Stat. 62; 7 U.S.C. 61, 473c)

[45 FR 46783, July 11, 1980]

OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR THE GRADE OF AMERICAN PIMA COTTON

AUTHORITY: Secs. 28.501 to 28.525 issued under sec. 10, 42 Stat. 1519 (7 U.S.C. 61). Interpret or apply sec. 6, 42 Stat. 1518, as amended (7 U.S.C. 56).

§ 28.501 Grade No. 1.

Grade No. 1 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 1, effective July 1, 1986."

[34 FR 9847, June 26, 1969, as amended at 48 FR 16874, Apr. 20, 1983; 50 FR 25198, June 18, 1985]

§ 28.502 Grade No. 2.

Grade No. 2 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 2, effective July 1, 1986."

[34 FR 9847, June 26, 1969, as amended at 48 FR 16874, Apr. 20, 1983; 50 FR 25198, June 18, 1985]

§ 28.503 Grade No. 3.

Grade No. 3 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 3, effective July 1, 1986."

[34 FR 9847, June 26, 1969, as amended at 48 FR 16874, Apr. 20, 1983; 50 FR 25198, June 18, 1985]

§ 28.504 Grade No. 4.

Grade No. 4 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 4, effective July 1, 1986."

[34 FR 9847, June 26, 1969, as amended at 48 FR 16874, Apr. 20, 1983; 50 FR 25198, June 18, 1985]

§ 28.505 Grade No. 5.

Grade No. 5 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 5, effective July 1, 1986."

[34 FR 9847, June 26, 1969, as amended at 48 FR 16874, Apr. 20, 1983; 50 FR 25198, June 18, 1985]

§ 28.506 Grade No. 6.

Grade No. 6 shall be American Pima cotton which in grade is within the range represented by a set of samples in the custody of the U.S. Department of Agriculture in a container marked "Original Official Cotton Standards of the United States, American Pima, Grade No. 6, effective July 1, 1986."

[34 FR 9847, June 26, 1969, as amended at 48 FR 16874, Apr. 20, 1983; 50 FR 25198, June 18, 1985]

§ 28.507 Grade No. 7.

American Pima cotton which in grade is inferior to Grade No. 6 shall be designated as "Grade No. 7."

[50 FR 25198, June 18, 1985]

§§ 28.508—28.510 [Reserved]

SYMBOLS AND CODE NUMBERS USED IN RECORDING COTTON CLASSIFICATION

§ 28.525 Symbols and code numbers.

For administrative convenience, the symbols and code numbers prescribed in this section may be used in lieu of cotton grade names and staple length designations in inches.

(a) *Symbols and Code Numbers for Grades of American Upland Cotton.*

Full grade name	Symbol	Code no.
Good Middling	GM	11
Strict Middling	SM	21
Middling Plus	Mid Plus	30
Middling	Mid	31
Strict Low Middling Plus	SLM Plus	40
Strict Low Middling	SLM	41
Low Middling Plus	LM Plus	50
Low Middling	LM	51
Strict Good Ordinary Plus	SGO Plus	60
Strict Good Ordinary	SGO	61
Good Ordinary Plus	GO Plus	70
Good Ordinary	GO	71
Good Middling Light Spotted.	GM Lt Sp	32
Strict Middling Light Spotted.	SM Lt Sp	22
Middling Light Spotted	Mid Lt Sp	32
Strict Low Middling Light Spotted.	SLM Lt Sp	42
Low Middling Light Spotted.	LM Lt Sp	52
Strict Good Ordinary Light Spotted.	SGO Lt Sp	62
Good Middling Spotted	GM Sp	13
Strict Middling Spotted	SM Sp	23
Middling Spotted	Mid Sp	33
Strict Low Middling Spotted.	SLM Sp	43
Low Middling Spotted	LM Sp	53
Strict Good Ordinary Spotted.	SGO Sp	63
Strict Middling Tinged	SM Tg	24
Middling Tinged	Mid Tg	34
Strict Low Middling Tinged	SLM Tg	44
Low Middling Tinged	LM Tg	54
Strict Middling Yellow Stained.	SM YS	25
Middling Yellow Stained	Mid YS	35
Good Middling Light Gray	GM Lt Gray	16
Strict Middling Light Gray	SM Lt Gray	26
Middling Light Gray	Mid Lt Gray	36
Strict Low Middling Light Gray.	SLM Lt Gray	46
Good Middling Gray	GM Gray	17
Strict Middling Gray	SM Gray	27
Middling Gray	Mid Gray	37
Strict Low Middling Gray	SLM Gray	47
Below Grade-(Below Good Ordinary).	BG	81
Below Grade-(Below Strict Good Ordinary Lt Spotted).	BG	82
Below Grade-(Below Strict Good Ordinary Spotted).	BG	83
Below Grade-(Below Low Middling Tinged).	BG	84
Below Grade-(Below Middling Yellow Stained).	BG	85
Below Grade-(Below Strict Low Middling Gray).	BG	87

(b) *Symbols and Code Numbers for Grades of American Pima Cotton.*

Full grade name	Symbol	Code No.
Grade No. 1	AP 1	01
Grade No. 2	AP 2	02
Grade No. 3	AP 3	03
Grade No. 4	AP 4	04
Grade No. 5	AP 5	05
Grade No. 6	AP 6	06
Grade No. 7	AP 7	07

(c) *Code numbers for Length of Staple Designations.*

Length of staple—inches	Code No.
Below 13/16	24
13/16	26
7/8	28
29/32	29
15/16	30
31/32	31
1	32
1 1/32	33
1 1/16	34
1 3/32	35
1 1/8	36
1 5/32	37
1 3/16	38
1 7/32	39
1 1/4	40
1 9/32	41
1 5/16	42
1 11/32	43
1 3/8	44
1 13/32	45
1 7/16	46
1 15/32	47
1 1/2	48
1 17/32	49
1 9/16	50
1 19/32	51
1 5/8	52
1 21/32	53
1 11/16	54
1 23/32	55
1 3/4	56

[32 FR 8760, June 20, 1967, as amended at 50 FR 25198, June 18, 1985; 51 FR 23039, June 25, 1986]

OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR FIBER FINENESS AND MATURITY

AUTHORITY: Sections 28.601 to 28.603 issued under secs. 6, 10, 42 Stat. 1518, 1519, sec. 4854, 68A Stat. 580; 7 U.S.C. 56, 61, 26 U.S.C. 4854.

SOURCE: Sections 28.601 to 28.603 appear at 30 FR 7239, May 29, 1965, unless otherwise noted.

§ 28.601 Official cotton standards for fiber fineness and maturity.

The official cotton standards of the United States for fiber fineness and maturity shall be the measure of such qualities, in combination, provided by air flow instrument tests in terms of micronaire readings in accordance with the procedure specified in § 28.603.

§ 28.602 Terms of designations.

The fiber fineness and maturity of any cotton shall be designated by the micronaire reading obtained from an air flow instrument test for a specimen of the cotton as determined under § 28.603, e.g., 4.1, 4.2, 4.3, etc. To simplify recording, the decimal point may be omitted, and the micronaire reading recorded as 41, 42, 43, etc.

§ 28.603 Procedures for air flow tests of micronaire reading.

In determining in terms of micronaire readings, the fiber fineness and maturity, in combination, of cotton, the following procedures shall apply:

(a) Facilities and equipment shall include:

(1) Air flow instrument complete with accessories to measure the fineness and maturity, in combination, of cotton in terms of micronaire reading on the curvilinear scale adopted in September 1950 by the Department of Agriculture, or its equivalent.

(2) A suitable supply of compressed air filtered to remove moisture and other impurities.

(3) Balance or scales suitable for accurately weighing the specimens required for the particular instrument.

(4) International Calibration Cotton Standards with established micronaire reading values for calibration of the air flow instrument.

(b) The instrument shall be calibrated each day before routine testing begins, as follows:

(1) The air shall be allowed to flow through the instrument until the indicator stabilizes.

(2) Specimens from at least two of the calibration cottons shall be tested to insure proper calibration of the instrument. The instrument shall be considered in calibration if the values obtained on the test specimens agree with the established values of the calibration cottons within 0.1 micronaire reading.

(c) Testing of the cotton specimen shall be performed as follows:

(1) Approximately the same amount of cotton shall be taken from each side of the sample for a test specimen. The weight of the test specimen shall be

that weight prescribed for the air flow instrument being used.

(2) The weighed specimen shall be tested in a properly calibrated instrument.

(3) The specimen shall be inserted into the specimen holder of the instrument so that the mass of fibers is well distributed within the specimen holder.

(4) The air shall then be allowed to flow through the specimen in accordance with the method of operation of the instrument.

(5) The position of the instrument indicator shall be determined to the nearest 0.1 micronaire reading when it becomes stable.

(d) The accuracy of the instrument shall be checked at least every 2 hours during operation by testing appropriate calibration cottons. If the value obtained on a specimen from the calibration cotton is outside the established limits of 0.1 micronaire reading, or when successive readings show the results to be within the established limits, but consistently high or low, the instrument and technique shall be thoroughly checked to remedy the discrepancies. Additional tests using calibration cottons shall be made until acceptable results are obtained before routine testing is resumed.

Subpart D—Cotton Classification and Market News Service for Producers

AUTHORITY: Sec. 3a, 50 Stat. 62, as amended (7 U.S.C. 473a); sec. 3c, 50 Stat. 62 (7 U.S.C. 473c).

DEFINITIONS

§ 28.901 Definitions.

When used in the regulations in this subpart:

(a) *Act* means the applicable provisions of the Act of Congress of March 3, 1927 (44 Stat. 1372), as amended by the Act of Congress of April 13, 1937 (50 Stat. 62) (7 U.S.C. 471-476), the United States Cotton Standards Act, as amended (42 Stat. 1517; 7 U.S.C. 51 et seq.) and the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), unless otherwise noted.

(b) *Service* means the Agricultural Marketing Service of the United States Department of Agriculture.

(c) *Administrator* means the Administrator of the Agricultural Marketing Service, or any officer or employee of the Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act for the Administrator.

(d) *Division* means the Cotton Division of the Agricultural Marketing Service.

(e) *Director* means the Director of the Cotton Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act for the Director.

(f) *Producer* means any individual, partnership, corporation, association, trust, estate, or other legal entity, a state or political subdivision thereof, or any agency of such state or political subdivision producing American Upland or American Pima cotton in the capacity of landowner, landlord, tenant, or sharecropper.

[22 FR 10930, Dec. 28, 1957, as amended at 46 FR 48114, Oct. 1, 1981]

ADMINISTRATION

§ 28.902 Director.

The Director shall perform for and under the supervision of the Administrator, such duties as the Administrator may require in enforcing the regulations in this subpart.

CLASSIFICATION AND MARKET NEWS SERVICES

§ 28.903 Classification of samples.

The Director, or an authorized representative, upon the receipt of a producer's cotton sample which complies with the regulations in this subpart shall, as hereinafter provided, furnish to such producer or to an agent designated by the producer the classification in accordance with the official cotton standards of the United States.

[46 FR 48114, Oct. 1, 1981]

§ 28.904 Market news.

The Director shall cause to be distributed to producers of cotton and to others on request, timely information on prices for various qualities of cotton.

[46 FR 48114, Oct. 1, 1981]

SAMPLING

§ 28.906 Sampling arrangements.

(a) Cotton must be sampled by a gin or warehouse that holds a valid license to sample cotton issued pursuant to §§ 28.20 through 28.22.

(b) The Director, or an authorized representative may direct that sampling be performed by employees of the Department of Agriculture for the purpose of appraising the sampling procedures at cotton gins or warehouses, or for the purpose of providing service to producers in special cases where a licensed gin or warehouse is not available.

[46 FR 48114, Oct. 1, 1981]

§ 28.907 Responsibilities of licensed gins or warehouses.

Each licensee shall be primarily responsible for drawing, identifying, handling, and shipping samples of cotton in accordance with this subpart and with instructions furnished by the Director or an authorized representative from time to time.

[46 FR 48114, Oct. 1, 1981]

§ 28.908 Samples.

(a) *Only one sample to be submitted.* Only one sample from each bale of eligible cotton shall be submitted for classification under this subpart. This does not prohibit the submission of an additional sample from a bale for review classification if the producer so desires.

(b) *Drawing of samples manually.* (1) Each cut sample shall be drawn from the bale after it is tied out following the ginning process, and shall be approximately 6 ounces in weight, not less than 3 ounces of which are to be drawn from each side of the bale: *Provided,* That each sample from a bale of American Pima cotton shall be approximately 10 ounces in weight, not less than 5 ounces of which are to be drawn from each side of the bale.

(2) Where it is necessary to draw two sets of samples, a single cut should be made in each side of the bale, and the portion of cotton removed from each cut should be broken in half across the layers to provide two complete samples. In those cases where this method would result in samples of insufficient length, it will be acceptable to split the sample lengthwise along the layers, provided the outside portion from each side is submitted for the official classification.

(c) *Mechanical sampling.* Samples may be drawn in gins equipped with mechanical samplers approved by the Division and operated according to sampling instructions furnished by the Director or an authorized representative. Such samples shall not be less than 6 ounces in weight.

(d) *Samples must be representative.* Each sample must be representative of the bale from which drawn.

(e) *Handling samples.* Samples shall not be dressed or trimmed and shall be carefully handled in such manner as not to cause loss of leaf, sand, or other material, or otherwise change their representative character. Samples shall be handled only by employees of the licensee prior to shipment or delivery to the cotton classing office of the Division.

(f) *Identifying and shipping samples.* Each sample shall be identified with a tag, supplied or approved by the Division, bearing the gin or warehouse number of the bale from which the sample was drawn and the name and address of the producer of the bale. The tag shall be placed between the two halves of the sample, the sample tightly rolled and enclosed in a package or bag for shipment. Each package or bag shall be labeled or marked with the name and address of the licensed gin or warehouse. The packages shall be shipped or delivered direct to the cotton classing office serving the territory in which the cotton is ginned. Samples that were drawn by a mechanical sampler at the gin may be transported with the bales to the warehouse and then shipped or delivered direct to the classing office by the warehouse.

(g) *Request for classification.* Samples received from a licensed gin or warehouse with the identification tag required in § 28.908(f) shall constitute a request for classification service by the producer.

[22 FR 10945, Dec. 28, 1957, as amended at 25 FR 3548, Apr. 23, 1960; 42 FR 24712, May 16, 1977; 45 FR 46783, July 11, 1980; 46 FR 48114, Oct. 1, 1981]

§ 28.909 Costs.

(a) Costs incident to sampling, tagging, and identification of samples and transporting samples to points of shipment shall be assumed by the producer, but tags and containers for the shipment of samples and shipping charges via U.S. Postal Service or duly authorized common carrier will be furnished by the Service. After classification the samples shall become the property of the Government. The proceeds of the sale of cotton samples shall be used to defray the costs of providing the services under this subpart.

(b) The cost of manual cotton classification service to producers is $1.23 per sample.

(c) The cost of High Volume Instrument classification to producers is the cost for manual cotton classification service plus an additional 50 cents per sample.

(d) The Division will periodically bill producers or the voluntary agents designated by producers for the cost of classification. A discount of 5 cents per sample will be granted for services provided under this section when billing is made to voluntary agents.

[46 FR 48115, Oct. 1, 1981, as amended at 48 FR 30938, July 6, 1983; 48 FR 44452, Sept. 29, 1983; 51 FR 22063, June 18, 1986; 53 FR 20089, June 2, 1988; 54 FR 23452, June 1, 1989]

CLASSIFICATION

§ 28.910 Classification of samples and issuance of classification data.

(a) The samples submitted as provided in this subpart shall be classified by employees of the Division and classification memoranda showing the official quality determination of each sample according to the official cotton standards of the United States will be issued as computer punch cards that are both eye and machine readable. These cards will be returned by the Division to the ginner or an agent designated by the ginner to receive the classification memoranda. The following alternative methods of issuing classification data, where available, may be requested by the ginner or the ginner's designated agent:

(1) Classification data for all bales from a gin may be issued on a computer tape or diskette in lieu of computer punch cards. There will be no additional fee for this service. If the issuance of classification data is requested on computer punch cards as well as on a tape or diskette, the fee for each tape or diskette shall be the higher of $10.00 or 1 cent per bale. The cost of any tape or diskette not returned to the Division will be billed to the requester.

(2) Classification data for all bales from a gin may be transferred by electronic telecommunication equipment in lieu of computer punch cards. There will be no additional charge for this service. If the issuance of classification data is requested on computer punch cards as well as through electronic telecommunications transfer, the fee for electronic telecommunications shall be 1 cent per bale. All long distance telephone line charges will be billed to the requester.

(b) Upon request of an owner of cotton for which classification memoranda have been issued under this subpart, a new memorandum shall be issued for the business convenience of such owner without the reclassification of the cotton. Such rewritten memorandum shall bear the date of its issuance and the date or inclusive dates of the original classification. The fee for a new memorandum shall be 10 cents per bale or a minimum of $4.75 per sheet.

[49 FR 26546, June 28, 1984, as amended at 55 FR 20441, May 17, 1990]

§ 28.911 Review classification.

A producer may request one manual or one High Volume Instrument (HVI) review classification for each bale of eligible cotton. The fee for manual review classification is $1.23 per sample. The fee for HVI review classification is $1.73 per sample. Samples for review classification must be drawn by gins or warehouses licensed pursuant to § 28.20-28.22, or by employees of the United States Department of Agriculture. Each sample for review classification shall be taken, handled, and submitted according to § 28.908 and to supplemental instructions issued by the Director or an authorized representative of the Director. Costs incident to sampling, tagging, identification, containers, and shipment for samples for review classification shall be assumed by the producer. After classification, the samples shall become the property of the Government unless the producer requests the return of the samples. The proceeds from the sale of samples that become Government property shall be used to defray the costs of providing the services under this subpart. Producers who request return of their samples after classing will pay a fee of 30 cents per sample in addition to the fee established above in this section.

[54 FR 23452, June 1, 1989]

LIMITATION OF SERVICES

§ 28.917 Limitation of services.

The Director, or an authorized representative, may suspend, terminate, or withhold cotton classing and market news services to any producer upon any failure of the producer to comply with the act or these regulations. Failure to remit fees for classification services shall result in loss of service.

[46 FR 48115, Oct. 1, 1981]

Subpart E—Cotton Fiber and Processing Tests

AUTHORITY: Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c; sec. 3d, 55 Stat. 131 (7 U.S.C. 473d).

SOURCE: 35 FR 8532, June 3, 1970, unless otherwise noted.

DEFINITIONS

§ 28.950 Terms defined.

As used throughout this subpart, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Regulations.* Regulations mean the provisions in this subpart.

(b) *Service.* The Agricultural Marketing Service of the U.S. Department of Agriculture.

(c) *Administrator.* The Administrator of the Agricultural Marketing Service, or any officer or employee of the Service, to whom authority has been delegated to act for the Administrator.

(d) *Division.* The Cotton Division of the Agricultural Marketing Service.

(e) *Director.* The Director of the Cotton Division, or any officer or employee of the Division to whom authority has been delegated to act for the Director.

(f) *Laboratories.* Laboratories of the Cotton Division that perform the fiber and processing tests described in this subpart.

[35 FR 8532, June 3, 1970, as amended at 46 FR 30073, June 5, 1981; 46 FR 51593, Oct. 21, 1981]

ADMINISTRATION

§ 28.951 Director.

The Director shall perform, for and under the supervision of the Administrator, such duties as the Administrator may require in enforcing the regulations in this subpart.

FIBER AND PROCESSING TESTS

§ 28.952 Testing of samples.

The Director or an authorized representative, upon written requests, shall make fiber and processing tests of the properties of cotton samples and report the results thereof to the persons from whom such requests are received, subject to compliance by such persons with the regulations in this subpart and to the payment by them of fees as prescribed herein.

[46 FR 30073, June 5, 1981; 46 FR 51593, Oct. 21, 1981]

§ 28.953 Requirements as to samples.

Each sample of ginned cotton lint submitted for fiber and processing tests shall weigh approximately as shown below unless otherwise specified in the particular test item as prescribed herein:

1 ounce or more for fiber tests.

6 pounds or more for carded yarn spinning tests.
8 pounds or more for combed yarn spinning tests.
10 pounds or more for carded and combed yarn spinning tests.

Each individual sample submitted for testing shall contain a tag or coupon bearing a number or other identification symbol. Individually labeled samples may be sent in one or more parcels, each of which shall bear on the outside thereof the name and address of the person submitting it. Persons who submit samples to laboratories for testing shall comply with any Federal or State quarantine requirements applicable to counties from which such samples are shipped.

§ 28.954 Costs of submitting samples.

The transportation of samples to a laboratory for testing shall be without expense to the Government.

§ 28.955 Disposition of samples.

The remnants of samples accumulated in the making of tests under the regulations in this subpart shall become the property of the Government unless the applicant requests that such remnants be returned. Returns will be at the applicant's expense.

[46 FR 30073, June 5, 1981; 46 FR 51593, Oct. 21, 1981]

§ 28.956 Prescribed fees.

Fees for fiber and processing tests shall be assessed as listed below:

Item No.	Kind of test	Fee per test
1.0	Calibration cotton for use with High Volume Instruments, per 5 pound package:	
	a. f.o.b. Memphis, Tennessee	$84.00
	b. By surface delivery within continental United States.	88.00
	c. By air freight collect outside continental United States.	84.00
	d. By air parcel post delivery outside continental United States.	124.00
2.0	Furnishing international calibration cotton standards with standard values for micronaire reading and fiber strength at zero and ⅛-inch gage and Fibrograph length:	
	a. f.o.b. Memphis, Tennessee ½-lb. sample.	17.00
	b. By surface delivery within continental United States, ½-lb sample.	18.00
	c. By air freight collect outside continental United States, ½-lb. sample.	17.00
	d. By air parcel post delivery outside continental United States, ½-lb. sample.	27.00
2.1	Furnishing international calibration cotton standards with standards values for micronaire reading only:	
	a. f.o.b. Memphis, Tennessee 1-lb. sample.	25.00
	b. Surface delivery within continental United States, 1-lb sample.	27.00
	c. By air freight collect outside continental United States, 1-lb. sample.	25.00
	d. By air parcel post delivery outside continental United States, 1-lb. sample.	39.00
3.0	Furnishing color standards, including a set of standard tiles and a master diagram for use in calibrating Nickerson-Hunter Cotton Colorimeters, per set.	105.00
3.1	Furnishing replacement calibration tiles for above sets, each tile.	17.00
4.0	Furnishing a Colorimeter calibration sample box containing 6 cotton samples with color values Rd and +b plotted on a color diagram based on the Nickerson-Hunter Cotton Colorimeter, per box.	30.00
4.1	Furnishing new Colorimeter readings on samples in calibration boxes returned for check readings, per 6-sample box.	15.00
5.0	High Volume Instrument (HVI) measurement. Readings micronaire, length, length uniformity, ⅛-inch gage strength, color and trash content. Based on a 6 oz (170 g) sample, per sample.	1.65
6.0	Color of ginned cotton lint. Reporting data on the reflectance and yellowness in terms of Rd and b values as based on the Nickerson-Hunter Cotton Colorimeter on samples which measure 5×6½ inches and weigh approximately 50 grams, per sample.	1.10
7.0	Fiber length of ginned cotton lint by Fibrograph method. Reporting the average length and average length uniformity as based on 4 specimens from a blended sample, per sample.	8.50
7.1	Fiber length of ginned cotton lint by Fibrograph method. Reporting the average length and average length uniformity as based on 2 specimens from each unblended sample.	5.50
8.0	Pressley strength of ginned cotton lint by flat bundle method for either zero or ⅛-inch gage as specified by applicant. Reporting the average strength as based on 6 specimens from a blended sample, per sample.	8.75
8.1	Pressley strength of ginned cotton lint by flat bundle method for either zero or ⅛-inch gage as specified by applicant. Reporting the strength as based on 2 specimens for each unblended sample, per sample.	5.50
9.0	Stelometer strength and elongation of ginned cotton lint by the flat bundle method for ⅛-inch gage. Reporting the average strength and elongation:	
	a. Based on 6 specimens from each blended sample, per sample.	8.75

Item No.	Kind of test	Fee per test
	b. Based on 4 specimens from each blended sample, per sample.	6.50
	c. Based on 2 specimens from each blended sample, per sample.	5.50
10.0	Micronaire readings on ginned lint. Reporting the micronaire based on 2 specimens per sample.	.65
10.1	Micronaire reading based on 1 specimen per sample.	.35
11.0	Fiber maturity and fineness of ginned cotton lint by the Causticaire method. Reporting the average maturity, fineness, and micronaire reading as based on 2 specimens from a blinded sample, per sample.	12.00
	Minimum fee	60.00
12.0	Fiber fineness and maturity of ginned cotton lint by the IIC-Shirley Fineness/Maturity Tester method, reporting the average micronaire, maturity ratio, percent mature fibers and fineness (linear density) based on 2 specimens from a blended sample, per sample.	6.50
13.0	Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each ⅛-inch group, average length and average length variability as based on 3 specimens from a blended sample:	
	a. Ginned cotton lint, per sample	70.00
	b. Cotton comber noils, per sample	108.00
	c. Other cotton wastes, per sample	130.00
13.1	Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each ⅛-inch group, average length and average length variability as based on 2 specimens from a blended sample:	
	a. Ginned cotton lint, per sample	52.00
	b. Cotton comber noils, per sample	74.00
	c. Other cotton wastes, per sample	101.00
13.2	Fiber length array of cotton samples, including purified or absorbent cotton. Reporting the average percentage of fibers by weight in each ⅛-inch group, average length and average length variability as based on 3 specimens from a blended sample:.	122.00
14.0	Fiber Length and Length Distribution of cotton samples by the Almeter method. Reporting the upper 25 percent length, mean length, coefficient of variation, and short fiber percentages by weight, number of tuft in each ⅛-inch group, as based on 2 specimens from a blended sample:.	
	a. Report percentages of fiber by weight only.	24.00
	b. Report percentages of fiber by weight and number or tuft.	29.00
	c. Report percentages of fiber by weight, number and tuft.	34.00
15.0	Foreign matter content of cotton samples. Reporting data on the non-lint content as based on the Shirley Analyzer separation of lint and foreign matter:	
	a. For samples of ginned lint or comber noils, per 100-gram specimen.	7.50
	b. For samples of ginning and processing wastes other than comber noils, per 100-gram specimen.	13.00
16.0	Neps content of ginned cotton lint. Reporting the neps per 100 square inches as based on the web prepared from a 3-gram specimen by using accessory equipment with the mechanical fiber blender, per sample.	15.00
17.0	Sugar content of cotton. Reporting the percent sugar content as based on a quantitative analysis of reducing substances (sugars) on cotton fibers, per sample.	5.00
	Minimum fee	25.00
18.0	Miniature carded cotton spinning test. Reporting data on tenacity (centinewtons per tex) of 22's yarn and HVI data (see Item 5.0). Based on the processing of 50 grams of cotton in accordance with special procedures per sample.	25.00
19.0	Two-pound cotton carded yarn spinning test available to cotton breeders only. Reporting data on yarn skein strength, yarn appearance, yarn neps and the classification and the fiber length of the cotton as well as comments on any unusual processing performance as based on the processing of 2 pounds of cotton in accordance with standard procedures into two standard carded yarn numbers employing a standard twist multiplier, per sample.	80.00
20.0	Cotton carded yarn spinning test. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn neps, and classification, and fiber length as well as comments summarizing any unusual observations as based on the processing of 6 pounds of cotton in accordance with standard laboratory procedures at one of the standard rates of carding 6½, 9½ or 12½ pounds-per-hour into two of the standard carded yarn number of 8s, 14s, 22s, 36s, 44s, or 50s, employing a standard twist multiplier unless otherwise specified, per sample.	110.00
20.1	Cotton carded yarn spinning test (open-end) for short staple (31/32nd inches and shorter) cottons. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn neps and classification and fiber length as well as comments summarizing any unusual observations as based on the processing of 6 pounds of cotton in accordance with standard laboratory procedures at a carding rate of 12½ pounds-per-hour into 8's using a silver weight of 60 grains per yard; a rotor speed of 45,000 RPM; and opening roll speed of 7,200 RPM; a twist multiple of 4.5; and rotor diameter of 46 millimeters.	85.00
21.0	Spinning potential tests. Determining the finest yarn which can be spun with no ends down and reporting spinning potential yarn number. This test requires an additional 4 poinds of cotton, per sample.	100.00

Item No.	Kind of test	Fee per test
22.0	Cotton combed yarn spinning test. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn neps, and classification, and fiber length as well as comments summarizing any unusual observations as based on the processing of 8 pounds of cotton in accordance with standards procedures at one of the standard rates of carding of 4½, 6½, or 9½ pounds-per-hour into two of the standards combed yarn numbers of 22s, 36s, 44s, 50s, 60s, 80s, or 100s employing a standard twist multiplier unless otherwise specified, per sample.	145.00
23.0	Cotton carded and combed yarn spinning test. Reporting the results as based on the processing of 10 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing the same carding rate and the same yarn numbers for both the carded and the combed yarns, per sample.	210.00
24.0	Cotton carded and combed yarn spinning test. Reporting the results as based on the processing of 9 pounds of cotton into two of the standard combed yarn numbers employing different carding rates and/or yarn numbers for the carded and the combed yarns, per sample.	230.00
25.0	Processing and testing of additional yarn. Any carded or combed yarn number processed in connection with spinning tests including either additional yarn numbers or additional twist multipliers employed on the same yarn numbers, per additional lot of yarn.	31.00
25.1	Processing and furnishing of additional yarn: Any yarn number processed in connection with spinning tests. Approximately 300 yards on each of 16 paper tubes for testing by the applicant, per additional lot of yarn.	42.00
26.0	Twist in yarns by direct-counting method. Reporting direction of twist and average turns per inch of yarn:	
	a. Single yarns based on 40 specimens per lot of yarn.	80.00
	b. Plied or cabled yarns based on 10 specimens, per lot of yarn.	23.00
27.0	Skein strength of yarn. Reporting data on the strength and the yarn numbers based on 25 skeins from yarn furnished by the applicant per sample.	12.00
28.0	Appearance grade of yarn furnished on bobbins by applicant. Reporting the appearance grade in accordance with ASTM standards as based on yarn wound from one bobbin, per bobbin.	5.00
28.1	Furnishing yarn would on boards in connection with yarn appearance tests.	7.50
29.0	Strength of cotton fabric. Reporting the average warp and filling strength by the grab method as based on 5 breaks for both warp and filling of fabric furnished by the applicant, per sample.	18.00
29.1	Cotton fabric analysis. Reporting data on the number of warp and filing threads per inch and weight per yard of fabric as based on at least three (3) 6×6-inch specimens of fabric which were processed or furnished by the applicant, per sample.	31.00
30.0	Chemical finishing test on finished drawing sliver. The Ahiba Texomat Dyer is used for scouring, bleaching and dyeing of a 3-gram sample. Color measurements are made on the unfinished, bleached and dyed cotton samples, using a Hunterlab Colorimeter, Model 25 M-3. The color values are reported in terms of reflectance (Rd), yellowness (+b) and blueness (−b).	14.00
	Minimum fee	42.00
31.0	Furnishing copies of test data worksheets. Includes individual observations and calculations which are not routinely furnished to the applicant, per sheet.	3.00
32.0	Furnishing identified cotton samples. Includes samples of ginned lint stock at any stage of processing or testing, waste of any type, yarn or fabric selected and identified in connection with fiber and/or spinning tests, per identified sample.	3.50
33.0	Furnishing additional copies of test reports. Include extra copies in addition to the 2 copies routinely furnished in connection with each test item, per additional sheet.	1.25
33.1	Furnishing a certified relisting of test results. Includes samples or sub-samples selected from any previous tests, per sheet.	15.00
34.0	Classification of ginned cotton lint is available in connection with other fiber tests, under the provisions of 7 CFR 28, § 28.56, at the fees prescribed by 7 CFR 28, § 28.116. Classification includes grade, staple, and micronaire reading based on a 6 oz. (170 g) sample.	

[54 FR 23452, June 1, 1989, as amended at 55 FR 20441, May 17, 1990]

§ 28.957 Special tests and fees.

Tests may be performed for cooperating agencies and organizations to the extent that available facilities will permit, subject to the payment of fees as determined by the Director. Special tests and services not listed in § 28.956 may be performed to the extent that available facilities will permit, subject to the payment of fees determined by the Director.

§ 28.958 Payment of fees.

As soon as practicable after the last day of each calendar month, bills shall be rendered by officers in charge of testing laboratories to all persons from whom payment of fees and costs under the regulations in this subpart shall become due, provided that when desirable any bill may be rendered at an earlier date. Payment shall be by check or by draft or post office or express money order, payable to the order of "Agricultural Marketing Service, USDA."

[35 FR 8532, June 3, 1970. Redesignated at 46 FR 30075, June 5, 1981]

§ 28.959 Limitation of testing services.

If at any time funds available for services under the regulations in this subpart may be insufficient to provide for the testing of all samples that may be submitted for the purpose, the Director may place reasonable limitations upon the quantities of samples to be submitted by individuals during any one fiscal year or any one calendar month, and may direct that samples received from cotton breeders shall take precedence over those received from other persons.

[35 FR 8532, June 3, 1970. Redesignated at 46 FR 30075, June 5, 1981]

§ 28.960 Confidential information.

No information concerning individual tests under the regulations in this subpart shall be published or communicated in such a way as to disclose to others the identity of the owners of cotton represented by samples submitted for testing, except with the written permission of such owners.

[35 FR 8532, June 3, 1970. Redesignated at 46 FR 30075, June 5, 1981]

§ 28.961 False and misleading information.

The publication or communication by any person of false or misleading information concerning the results of tests as reported by laboratories under the regulations in this subpart shall be deemed sufficient cause for denial of testing services to such persons.

[35 FR 8532, June 3, 1970. Redesignated at 46 FR 30075, June 5, 1981]

PART 29—TOBACCO INSPECTION

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets

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29.1 Definitions.
29.2 Policy statement.
29.3 Procedures for filing, hearing and determination of applications.

Subpart B—Regulations

DEFINITIONS

29.12 Terms defined.
29.13 The act.
29.14 Secretary.
29.15 Department.
29.16 Division.
29.17 Director.
29.18 Person.
29.19 Inspector.
29.20 Sampler.
29.21 Weigher.
29.22 Appeal inspector.
29.23 Tobacco.
29.24 Official standards.
29.25 Tentative standards.
29.26 Office of inspection.
29.27 Certificate.
29.28 Interested party.
29.29 Regulations.
29.30 Package.
29.31 Lot.
29.32 Identification number.
29.33 Official sample.
29.34 Sample seal.
29.35 Lot seal.
29.36 Auction market.
29.37 Designated market.
29.38 Public notice.
29.39 Permissive inspection.
29.40 Mandatory inspection.

ADMINISTRATION

29.51 Administration.

PERMISSIVE INSPECTION

29.56 Permissive inspection.
29.57 Where inspection is offered.
29.58 Who may obtain inspection.
29.59 How to make application.
29.60 Form of application.
29.61 When application deemed filed.
29.62 When application may be rejected.
29.63 When application may be withdrawn.
29.64 Authority of agent.
29.65 Accessibility of tobacco.
29.66 Certificates.
29.67 Disposition of certificates.

Sec.
29.68 Advance information.
29.69 Weighing apparatus.

Mandatory Inspection

29.71 Mandatory inspection.
29.72 Where mandatory inspection is required.
29.73 Designation of markets; termination of designation.
29.74 Growers' referendum.
29.75 Accessibility of tobacco.
29.75a Display of burley tobacco on auction warehouse floors in designated markets.
29.76 Mandatory inspection ticket.
29.77 Warehousemen to provide tickets.
29.78 Changes or alterations.
29.79 Disposition of ticket.
29.80 Announcing grades.
29.81 Interference with inspectors.

Appeal

29.90 When appeal may be taken.
29.91 How to obtain an appeal.
29.92 Record of filing time.
29.93 When appeal may be refused.
29.94 When appeal may be withdrawn.
29.95 Review or second inspection not an appeal.
29.96 Order in which made.
29.97 Who shall pass upon appeals.
29.98 Appeal findings.
29.99 Superseded certificate or sample.

Inspectors, Samplers, and Weighers

29.106 Who may be employed, licensed, or authorized.
29.107 Order of providing service.
29.108 Certificate issuance.
29.109 Inspection determinations.
29.110 Method of sampling.
29.111 Weight determinations.
29.112 Proper light.
29.113 Suspension and termination.

Fees And Charges

29.123 Fees and charges.
29.124 When application rejected or withdrawn.
29.125 Charge for appeals.
29.126 When appeal refused or withdrawn.
29.127 Demonstrations and courses of instruction.
29.128 For certificates.
29.129 National Advisory Committee for Inspection Services.

Miscellaneous

29.131 Tobacco publications.
29.132 Division investigations.
29.133 Identification number.
29.400 Inspection, certification, and testing of imported tobacco.
29.401 Definitions.

Sec.
29.402 Advance notice.
29.403 Accessibility of tobacco.
29.404 Inspection.
29.405 Inspection by submitted samples.
29.406 Import inspection certificate.
29.407 Disposition of import inspection certificate.
29.425 Submission and disposition of pesticide residues and end user(s) certification.
29.426 Collection of pesticide test samples.
29.427 Pesticide residue standards.
29.428 Identification of sample for testing.
29.429 Disposition of imported tobacco exceeding pesticide residue standards.
29.430 Appeals.
29.431 Handling of imported tobacco pending test results.
29.500 Fees and charges for inspection and testing of imported tobacco.

Subpart C—Standards

Official Standard Grades for Flue-Cured Tobacco (U.S. Types 11, 12, 13, 14, and Foreign Type 92)

DEFINITIONS

29.1001 Definitions.
29.1002 Body.
29.1003 Class.
29.1004 Clean.
29.1005 Color.
29.1006 Color intensity.
29.1007 Color symbols.
29.1008 Combination symbols.
29.1009 Condition.
29.1010 Crude.
29.1011 Cured.
29.1012 Damage.
29.1013 Dirty.
29.1014 Elasticity.
29.1015 Elements of quality.
29.1016 Excessively scorched.
29.1017 Finish.
29.1018 Fire-killed.
29.1019 Flue-cured.
29.1020 Foreign matter.
29.1021 Form.
29.1022 Grade.
29.1023 Grademark.
29.1924 Green (G).
29.1025 Greenish (V).
29.1026 Group.
29.1027 Injury.
29.1028 Leaf.
29.1029 Leaf scrap.
29.1030 Leaf structure.
29.1031 Lemon (L).
29.1032 Length.
29.1033 Lot.
29.1034 Maturity.
29.1035 Mixed color (KM).
29.1036 Mixed Group (M).
29.1037 Nested.

Sec.
29.1038 No—G.
29.1039 No—G—F.
29.1040 No—G—Nested.
29.1041 Oil.
29.1042 Offtype.
29.1043 Orange (F).
29.1044 Orange Red (FR).
29.1045 Order (case).
29.1046 Oxidized (O).
29.1047 Package.
29.1048 Packing.
29.1049 Papery.
29.1050 Prematurity.
29.1051 Quality.
29.1052 Raw.
29.1053 Red (R).
29.1054 Semicured.
29.1055 Side.
29.1056 Slick.
29.1057 Smoked.
29.1058 Sound.
29.1059 Special factor.
29.1060 Steam-dried.
29.1061 Stem.
29.1062 Stemmed.
29.1063 Strips.
29.1064 Sweated.
29.1065 Sweating.
29.1066 Symbol (S).
29.1067 Tobacco.
29.1068 Tobacco products.
29.1069 Type.
29.1070 Type 11.
29.1071 Type 12.
29.1072 Type 13.
29.1073 Type 14.
29.1074 Type 92.
29.1075 Undried.
29.1076 Uniformity.
29.1077 Unsound (U).
29.1078 Unstemmed.
29.1079 Variegated (K).
29.1080 Variegated dark red (KD).
29.1081 Variegated red or scorched (KR).
29.1082 Waste.
29.1083 Wet (W).
29.1084 Whitish-lemon (LL).
29.1085 Width.

ELEMENTS OF QUALITY

29.1101 Elements of quality and degrees of each element.

RULES

29.1106 Rules.
29.1107 Rule 1.
29.1108 Rule 2.
29.1109 Rule 3.
29.1110 Rule 4.
29.1111 Rule 5.
29.1112 Rule 6.
29.1113 Rule 7.
29.1114 Rule 8.
29.1115 Rule 9.

Sec.
29.1116 Rule 10.
29.1117 Rule 11.
29.1118 Rule 12.
29.1119 Rule 13.
29.1120 Rule 14.
29.1121 Rule 15.
29.1122 Rule 16.
29.1123 Rule 17.
29.1124 Rule 18.
29.1125 Rule 19.
29.1126 Rule 20.
29.1127 Rule 21.
29.1128 Rule 22.
29.1129 Rule 23.
29.1130 Rule 24.
29.1131 Rule 25.
29.1132 Rule 26.
29.1133 Rule 27.
29.1134 Rule 28.

GRADES

29.1161 [Reserved]
29.1162 Leaf (B Group).
29.1163 Smoking Leaf (H Group).
29.1164 Cutters (C Group).
29.1165 Lugs (X Group).
29.1166 Primings (P Group).
29.1167 Mixed (M Group).
29.1168 Nondescript (N Group).
29.1169 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.1181 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.1225 Key to standard grademarks.

OFFICIAL STANDARD GRADES FOR VIRGINIA FIRE-CURED TOBACCO (U.S. TYPE 21)

DEFINITIONS

29.2251 Definitions.
29.2252 Air-dried.
29.2253 Body.
29.2254 Brown colors.
29.2255 Class.
29.2256 Clean.
29.2257 Color.
29.2258 Color intensity.
29.2259 Color symbols.
29.2260 Condition.
29.2261 Crude.
29.2262 Cured.
29.2263 Damage.
29.2264 Dirty.
29.2265 Elasticity.
29.2266 Elements of quality.
29.2267 Fiber.
29.2268 Finish.
29.2269 Fire-cured.
29.2270 Foreign matter.
29.2271 Form.
29.2272 Grade.
29.2273 Grademark.

Sec.
29.2274 Green (G).
29.2275 Group.
29.2276 Injury.
29.2277 Leaf scrap.
29.2278 Leaf structure.
29.2279 Length.
29.2280 Lot.
29.2281 Maturity.
29.2282 Mixed color or variegated (M).
29.2283 Nested.
29.2284 No grade.
29.2285 Offtype.
29.2286 Oil.
29.2287 Order (case).
29.2288 Package.
29.2289 Packing.
29.2290 Premature primings.
29.2291 Quality.
29.2292 Resweated.
29.2293 Rework.
29.2294 Semicured.
29.2295 Semifired (SF).
29.2296 Side.
29.2297 Size.
29.2298 Sound.
29.2299 Special factor.
29.2300 Steam-dried.
29.2301 Stem.
29.2302 Stemmed.
29.2303 Strength.
29.2304 Strips.
29.2305 Subgrade.
29.2306 Sweated.
29.2307 Sweating.
29.2308 Tobacco.
29.2309 Tobacco products.
29.2310 Type.
29.2311 Type 21.
29.2312 Undried.
29.2313 Uniformity.
29.2314 Unsound (U).
29.2315 Unstemmed.
29.2316 Wet (W).
29.2317 Width.

ELEMENTS OF QUALITY

29.2351 Elements of quality and degrees of each element.

SIZES

29.2371 Standard sizes.

RULES

29.2391 Rules.
29.2392 Rule 1.
29.2393 Rule 2.
29.2394 Rule 3.
29.2395 Rule 4.
29.2396 Rule 5.
29.2397 Rule 6.
29.2398 Rule 7.
29.2399 Rule 8.
29.2400 Rule 9.
29.2401 Rule 10.
Sec.
29.2402 Rule 11.
29.2403 Rule 12.
29.2404 Rule 13.
29.2405 Rule 14.
29.2406 Rule 15.
29.2407 Rule 16.
29.2408 Rule 17.
29.2409 Rule 18.
29.2410 Rule 19.
29.2411 Rule 20.
29.2412 Rule 21.
29.2413 Rule 22.
29.2414 Rule 23.

GRADES

29.2436 Wrappers (A Group).
29.2437 Heavy Leaf (B Group).
29.2438 Thin Leaf (C Group).
29.2439 Lugs (X Group).
29.2440 (N Group).
29.2441 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.2461 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.2481 Key to standard grademarks.

OFFICIAL STANDARD GRADES FOR KENTUCKY AND TENNESSEE FIRE-CURED AND FOREIGN-GROWN FIRE-CURED TOBACCO (U.S. TYPES 22, 23, AND FOREIGN TYPE 96)

DEFINITIONS

29.2501 Definitions.
29.2502 Air-dried.
29.2503 Body.
29.2504 Brown colors.
29.2505 Class.
29.2506 Clean.
29.2507 Color.
29.2508 Color intensity.
29.2509 Color symbols.
29.2510 Condition.
29.2511 Crude.
29.2512 Cured.
29.2513 Damage.
29.2514 Dirty.
29.2515 Elasticity.
29.2516 Elements of quality.
29.2517 Fiber.
29.2518 Finish.
29.2519 Fire-cured.
29.2520 Foreign matter.
29.2521 Form.
29.2522 Grade.
29.2523 Grademark.
29.2524 Green (G).
29.2525 Greenish.
29.2526 Group.
29.2527 Injury.
29.2528 Leaf.
29.2529 Leaf scrap.
29.2530 Leaf structure.

Sec.
29.2531 Length.
29.2532 Lot.
29.2533 Maturity.
29.2534 Mixed color or variegated (M).
29.2535 Nested.
29.2536 No grade.
29.2537 Offtype.
29.2538 Oil.
29.2539 Order (case).
29.2540 Package.
29.2541 Packing.
29.2542 Quality.
29.2543 Raw.
29.2544 Resweated.
29.2545 Rework.
29.2546 Semicured.
29.2547 Semifired (SF).
29.2548 Side.
29.2549 Size.
29.2550 Sound.
29.2551 Special factor.
29.2552 Steam-dried.
29.2553 Stem.
29.2554 Stemmed.
29.2555 Strength.
29.2556 Strips.
29.2557 Subgrade.
29.2558 Sweated.
29.2559 Sweating.
29.2560 Tobacco.
29.2561 Tobacco products.
29.2562 Type.
29.2563 Type 22.
29.2564 Type 23.
29.2565 Type 96.
29.2566 Undried.
29.2567 Uniformity.
29.2568 Unsound (U).
29.2569 Unstemmed.
29.2570 Wet (W).
29.2571 Width.

ELEMENTS OF QUALITY

29.2601 Elements of quality and degrees of each element.

SIZES

29.2606 Standard sizes.

RULES

29.2616 Rules.
29.2617 Rule 1.
29.2618 Rule 2.
29.2619 Rule 3.
29.2620 Rule 4.
29.2621 Rule 5.
29.2622 Rule 6.
29.2623 Rule 7.
29.2624 Rule 8.
29.2625 Rule 9.
29.2626 Rule 10.
29.2627 Rule 11.
29.2628 Rule 12.
29.2629 Rule 13.
Sec.
29.2630 Rule 14.
29.2631 Rule 15.
29.2632 Rule 16.
29.2633 Rule 17.
29.2634 Rule 18.
29.2635 Rule 19.
29.2636 Rule 20.
29.2637 Rule 21.
29.2638 Rule 22.
29.2639 Rule 23.
29.2640 Rule 24.

GRADES

29.2661 Wrappers (A Group).
29.2662 Heavy Leaf (B Group).
29.2663 Thin Leaf (C Group).
29.2664 Lugs (X Group).
29.2665 Nondescript (N Group).
29.2666 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.2686 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.2696 Key to standard grademarks.

OFFICIAL STANDARD GRADES FOR BURLEY TOBACCO (U.S. TYPE 31 AND FOREIGN TYPE 93)

DEFINITIONS

29.3001 Definitions.
29.3002 Air-cured.
29.3003 Air-dried.
29.3004 Body.
29.3005 Burley, Type 31.
29.3006 Burley, Type 93.
29.3007 Buff color (L).
29.3008 Class.
29.3009 Clean.
29.3010 Color.
29.3011 Color intensity.
29.3012 Color symbols.
29.3013 Combination color symbols.
29.3014 Condition.
29.3015 Crude.
29.3016 Cured.
29.3017 Damage.
29.3018 Dark red color (D).
29.3019 Dirty.
29.3020 Elements of quality.
29.3021 Fiber.
29.3022 Finish.
29.3023 Foreign matter.
29.3024 Form.
29.3025 General color.
29.3026 General quality.
29.3027 Grade.
29.3028 Grademark.
29.3029 Green (G).
29.3030 Greenish (V).
29.3031 Group.
29.3032 Injury.
29.3033 Leaf.

Sec.
29.3034 Leaf scrap.
29.3035 Leaf structure.
29.3036 Leaf surface.
29.3037 Length.
29.3038 Lot.
29.3039 Maturity.
29.3040 Mixed color (M).
29.3041 Nested.
29.3042 No grade.
29.3043 No—G—Nested.
29.3044 Offtype.
29.3045 Order (case).
29.3046 Oriented.
29.3047 Package.
29.3048 Packing.
29.3049 Pink or pinkish.
29.3050 Quality.
29.3051 Raw.
29.3052 Red color (R).
29.3053 Rework.
29.3054 Semicured.
29.3055 Side.
29.3056 Sound.
29.3057 Special factor.
29.3058 Steam-dried.
29.3059 Stem.
29.3060 Stemmed.
29.3061 Strength (tensile).
29.3062 Strips.
29.3063 Subgrade.
29.3064 Sweated.
29.3065 Sweating.
29.3066 Tan color.
29.3067 Tannish-buff (FL).
29.3068 Tannish-red color (FR).
29.3069 Tobacco.
29.3070 Tobacco products.
29.3071 Type.
29.3072 Undried.
29.3073 Uniformity.
29.3074 Unsound (U).
29.3075 Unstemmed.
29.3076 Variegated (K).
29.3077 Wet (W).
29.3078 Width.

ELEMENTS OF QUALITY

29.3101 Elements of quality and degrees of each element.

RULES

29.3103 Rules.
29.3104 Rule 1.
29.3105 Rule 2.
29.3106 Rule 3.
29.3107 Rule 4.
29.3108 Rule 5.
29.3109 Rule 6.
29.3110 Rule 7.
29.3111 Rule 8.
29.3112 Rule 9.
29.3113 Rule 10.
29.3114 Rule 11.
29.3115 Rule 12.
Sec.
29.3116 Rule 13.
29.3117 Rule 14.
29.3118 Rule 15.
29.3119 Rule 16.
29.3120 Rule 17.
29.3121 Rule 18.
29.3122 Rule 19.
29.3123 Rule 20.
29.3124 Rule 21.
29.3125 Rule 22.
29.3126 Rule 23.
29.3127 Rule 24.
29.3128 Rule 25.

GRADES

29.3151 Flyings (X Group).
29.3152 Lugs or Cutters (C Group).
29.3153 Leaf (B Group).
29.3154 Tips (T Group).
29.3155 Mixed (M Group).
29.3156 Nondescript (N Group).
29.3157 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.3181 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.3182 Key to standard grademarks.

OFFICIAL STANDARD GRADES FOR MARYLAND BROADLEAF TOBACCO (U.S. TYPE 32 AND FOREIGN TYPE 94)

DEFINITIONS

29.3251 Definitions.
29.3252 Air-cured.
29.3253 Air-dried.
29.3254 Body.
29.3255 Class.
29.3256 Clean.
29.3257 Color.
29.3258 Color symbols.
29.3259 Condition.
29.3260 Cured.
29.3261 Damage.
29.3262 Dirty.
29.3263 Elements of quality.
29.3264 Finish.
29.3265 Foreign matter.
29.3266 Form.
29.3267 Grade.
29.3268 Grademark.
29.3269 Green (G).
29.3270 Greenish or unripe (V).
29.3271 Group.
29.3272 Injury.
29.3273 Leaf.
29.3274 Leaf scrap.
29.3275 Leaf structure.
29.3276 Length.
29.3277 Lot.
29.3278 Maryland Broadleaf, Type 32.
29.3279 Maryland Broadleaf, Type 94.
29.3280 Maturity.

Sec.
29.3281 Nested.
29.3282 No-G.
29.3283 Offtype.
29.3284 Order (case).
29.3285 Package.
29.3286 Packing.
29.3287 Quality.
29.3288 Raw.
29.3289 Rework.
29.3290 Semicured.
29.3291 Side.
29.3292 Sound.
29.3293 Special factor.
29.3294 Steam-dried.
29.3295 Stem.
29.3296 Stemmed.
29.3297 Strips.
29.3298 Sweated.
29.3299 Sweating.
29.3300 Tobacco.
29.3301 Tobacco products.
29.3302 Type.
29.3303 Type 32.
29.3304 Type 94.
29.3305 Undried.
29.3306 Uniformity.
29.3307 Unsound (U).
29.3308 Unstemmed.
29.3309 Upper Country.
29.3310 Variegated (K).
29.3311 Wet (W).
29.3312 Width.

RULES

29.3331 Rules.
29.3332 Rule 1.
29.3333 Rule 2.
29.3334 Rule 3.
29.3335 Rule 4.
29.3336 Rule 5.
29.3337 Rule 6.
29.3338 Rule 7.
29.3339 Rule 8.
29.3340 Rule 9.
29.3341 Rule 10.
29.3342 Rule 11.
29.3343 Rule 12.
29.3344 Rule 13.
29.3345 Rule 14.
29.3346 Rule 15.
29.3347 Rule 16.
29.3348 Rule 17.
29.3349 Rule 18.
29.3350 Rule 19.
29.3351 Rule 20.
29.3352 Rule 21.
29.3353 Rule 22.
29.3354 Rule 23.

ELEMENTS OF QUALITY

29.3371 Elements of quality and degrees of each element.

Sec.

GRADES

29.3385 Seconds (X Group).
29.3386 Bright-crop or Thin-crop (C Group).
29.3387 Dull-crop or Heavy-crop (B Group).
29.3388 Tips (T Group).
29.3389 Nondescript (N Group).
29.3390 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.3395 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.3401 Key to standard grademarks.

Official Standard Grades for Dark Air-Cured Tobacco (U.S. Types 35, 36, 37 and Foreign Type 95)

DEFINITIONS

29.3501 Definitions.
29.3502 Air-cured.
29.3503 Air-dried.
29.3504 Body.
29.3505 Brown colors.
29.3506 Class.
29.3507 Clean.
29.3508 Color.
29.3509 Color intensity.
29.3510 Color symbols.
29.3511 Condition.
29.3512 Crude.
29.3513 Cured.
29.3514 Damage.
29.3515 Dirty.
29.3516 Elasticity.
29.3517 Finish.
29.3518 Foreign matter.
29.3519 Form.
29.3520 Grade.
29.3521 Grademark.
29.3522 Green (G).
29.3523 Group.
29.3524 Injury.
29.3525 Leaf.
29.3526 Leaf scrap.
29.3527 Leaf structure.
29.3528 Leaf surface.
29.3529 Length.
29.3530 Lot.
29.3531 Maturity.
29.3532 Mixed (M).
29.3533 Nested.
29.3534 No grade.
29.3535 Offtype.
29.3536 Order (case).
29.3537 Package.
29.3538 Packing.
29.3539 Quality.
29.3540 Raw.
29.3541 Resweated.
29.3542 Rework.
29.3543 Semicured.

Sec.
29.3544 Side.
29.3545 Size.
29.3546 Sound.
29.3547 Special factor.
29.3548 Steam-dried.
29.3549 Stem.
29.3550 Stemmed.
29.3551 Strips.
29.3552 Subgrade.
29.3553 Sweated.
29.3554 Sweating.
29.3555 Tobacco.
29.3556 Tobacco products.
29.3557 Type.
29.3558 Type 35.
29.3559 Type 36.
29.3560 Type 37.
29.3561 Type 95.
29.3562 Undried.
29.3563 Uniformity.
29.3564 Unsound (U).
29.3565 Unstemmed.
29.3566 Variegated.
29.3567 Wet (W).
29.3568 Width.

ELEMENTS OF QUALITY

29.3586 Elements of quality and degrees of each element.

SIZES

29.3591 Standard tobacco sizes.

RULES

29.3601 Rules.
29.3602 Rule 1.
29.3603 Rule 2.
29.3604 Rule 3.
29.3605 Rule 4.
29.3606 Rule 5.
29.3607 Rule 6.
29.3608 Rule 7.
29.3609 Rule 8.
29.3610 Rule 9.
29.3611 Rule 10.
29.3612 Rule 11.
29.3613 Rule 12.
29.3614 Rule 13.
29.3615 Rule 14.
29.3616 Rule 15.
29.3617 Rule 16.
29.3618 Rule 17.
29.3619 Rule 18.
29.3620 Rule 19.
29.3621 Rule 20.
29.3622 Rule 21.
29.3623 Rule 22.
29.3624 Rule 23.
29.3625 Rule 24.
29.3626 Rule 25.

GRADES

29.3646 Wrappers (A Group).
29.3647 Heavy Leaf (B Group).
Sec.
29.3648 Thin Leaf (C Group).
29.3649 [Reserved]
29.3650 Lugs (X Group).
29.3651 Nondescript (N Group).
29.3652 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.3676 Summary of standard grades.

APPLICABLE STANDARD SIZES

29.3681 Applicable standard sizes.

KEY TO STANDARD GRADEMARKS

29.3686 Key to standard grademarks.

OFFICIAL STANDARD GRADES FOR PENNSYLVANIA SEEDLEAF TOBACCO (U.S. TYPE 41)

DEFINITIONS

29.4251 Definitions.
29.4252 Air-cured.
29.4253 Body.
29.4254 Burn.
29.4255 Case (order).
29.4256 Class.
29.4257 Clean.
29.4258 Condition.
29.4259 Crude.
29.4260 Cured.
29.4261 Damage.
29.4262 Dirty.
29.4263 Elements of quality.
29.4264 Foreign matter.
29.4265 Form.
29.4266 General quality.
29.4267 Grade.
29.4268 Grademark.
29.4269 Group.
29.4270 Injury.
29.4271 Leaf scrap.
29.4272 Leaf structure.
29.4273 Length.
29.4274 Lot.
29.4275 Maturity.
29.4276 Nested.
29.4278 Oil (life).
29.4279 Offtype.
29.4280 Package.
29.4281 Packing.
29.4282 Quality.
29.4283 Raw.
29.4284 Semicured.
29.4285 Side.
29.4286 Sound.
29.4287 Stem.
29.4288 Stemmed.
29.4289 Stem rot.
29.4290 Strength (tensile).
29.4291 Strips.
29.4292 Sweated.
29.4293 Tobacco.
29.4294 Tobacco products.
29.4295 Type.
29.4296 Type 41.

Sec.
29.4297 Undried.
29.4298 Uniformity.
29.4299 Unstemmed.
29.4300 Unsweated.
29.4301 Waste.
29.4302 Wet (high-case).
29.4303 Width.

ELEMENTS OF QUALITY

29.4326 Elements of quality and degrees of each element.

RULES

29.4331 Rules.
29.4332 Rule 1.
29.4333 Rule 2.
29.4334 Rule 3.
29.4335 [Reserved]
29.4336 Rule 5.
29.4337 Rule 6.
29.4338 Rule 7.
29.4339 Rule 8.
29.4340 Rule 9.
29.4341 Rule 10.
29.4342 Rule 11.
29.4343 Rule 12.
29.4344 Rule 13.
29.4345 Rule 14.
29.4346 Rule 15.
29.4347 Rule 16.
29.4348 Rule 17.

GRADES

29.4361 Stripper (C Group).
29.4362 Straight Stripped (X Group).
29.4363 Farm Filler (Y Group).
29.4364 Nondescript (N Group).

SUMMARY OF STANDARD GRADES

29.4386 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.4391 Key to standard grademarks.

OFFICIAL STANDARD GRADES FOR OHIO CIGAR-LEAF TOBACCO (U.S. TYPES 42, 43, AND 44)

DEFINITIONS

29.4501 Definitions.
29.4502 Air-cured.
29.4503 Body.
29.4504 Case (order).
29.4505 Class.
29.4506 Clean.
29.4507 Condition.
29.4508 Crude.
29.4509 Cured.
29.4510 Damage.
29.4511 Dirty.
29.4512 Elements of quality.
29.4513 Foreign matter.
29.4514 Form.
29.4515 General quality.
29.4516 Grade.
Sec.
29.4517 Grademark.
29.4518 Group.
29.4519 Injury.
29.4520 Leaf scrap.
29.4521 Leaf structure.
29.4522 Length.
29.4523 Lot.
29.4524 Maturity.
29.4525 Nested.
29.4526 No-G.
29.4527 Oil (life).
29.4528 Offtype.
29.4529 Package.
29.4530 Packing.
29.4531 Quality.
29.4532 Raw.
29.4533 Semicured.
29.4534 Side.
29.4535 Sound.
29.4536 Stem.
29.4537 Stemmed.
29.4538 Stem rot.
29.4539 Strength (tensile).
29.4540 Strips.
29.4541 Sweated.
29.4542 Tobacco.
29.4543 Tobacco products.
29.4544 Type.
29.4545 Type 42.
29.4546 Type 43.
29.4547 Type 44.
29.4548 Undried.
29.4549 Uniformity.
29.4550 Unstemmed.
29.4551 Unsweated.
29.4552 Waste.
29.4553 Wet (high-case).
29.4554 Width.

ELEMENTS OF QUALITY

29.4581 Elements of quality and degrees of each element.

RULES

29.4586 Rules.
29.4587 Rule 1.
29.4588 Rule 2.
29.4589 Rule 3.
29.4590 Rule 4.
29.4591 Rule 5.
29.4592 Rule 6.
29.4593 Rule 7.
29.4594 Rule 8.
29.4595 Rule 9.
29.4596 Rule 10.
29.4597 Rule 11.
29.4598 Rule 12.
29.4599 Rule 13.
29.4600 Rule 14.
29.4601 Rule 15.
29.4602 Rule 16.

GRADES

29.4626 Straight Stripped (X Group).

Sec.
29.4627 Nondescript (N Group).

SUMMARY OF STANDARD GRADES

29.4651 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.4656 Key to standard grademarks.

OFFICIAL STANDARD GRADES FOR PUERTO RICAN CIGAR-FILLER TOBACCO (U.S. TYPE 46)

DEFINITIONS

29.5251 Definitions.
29.5252 Air-cured.
29.5253 Body.
29.5254 Class.
29.5255 Clean.
29.5256 Condition.
29.5257 Crude.
29.5258 Cured.
29.5259 Damage.
29.5260 Dirty.
29.5261 Foreign matter.
29.5262 Form.
29.5263 Grade.
29.5264 Grademark.
29.5265 Group.
29.5266 Injury.
29.5267 Leaf scrap.
29.5268 Length.
29.5269 Lot.
29.5270 Maturity.
29.5271 Nested.
29.5272 No grade.
29.5273 Offtype.
29.5274 Order (case).
29.5275 Package.
29.5276 Packing.
29.5277 Quality.
29.5278 Semicured.
29.5279 Side.
29.5280 Sound.
29.5281 Stained (S).
29.5282 Stem.
29.5283 Stemmed.
29.5284 Strips.
29.5285 Sweated.
29.5286 Sweating.
29.5287 Tobacco.
29.5288 Tobacco products.
29.5289 Type.
29.5290 Type 46.
29.5291 Undried.
29.5292 Uniformity.
29.5293 Unstemmed.
29.5294 Unsweated.
29.5295 Wet (high-case).

RULES

29.5321 Rules.
29.5322 Rule 1.
29.5323 Rule 2.
29.5324 Rule 3.
29.5325 Rule 4.
Sec.
29.5326 Rule 5.
29.5327 Rule 6.
29.5328 Rule 7.
29.5329 Rule 8.
29.5330 Rule 9.
29.5331 Rule 10.
29.5332 Rule 11.
29.5333 Rule 12.
29.5334 Rule 13.
29.5335 Rule 14.
29.5336 Rule 15.

GRADES

29.5361 Strippers (C Group).
29.5362 Grinders (X Group).
29.5363 Nondescript (N Group).
29.5364 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.5381 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.5386 Key to standard grademarks.

OFFICIAL STANDARD GRADES FOR CONNECTICUT VALLEY CIGAR-BINDER TOBACCO (U.S. TYPES 51 AND 52)

DEFINITIONS

29.5501 Definitions.
29.5502 Air-cured.
29.5503 Body.
29.5504 Burn.
29.5505 Case (order).
29.5506 Class.
29.5507 Clean.
29.5508 Condition.
29.5509 Crude.
29.5510 Cured.
29.5511 Damage.
29.5512 Dirty.
29.5513 Elasticity.
29.5514 Elements of quality.
29.5515 Foreign matter.
29.5516 Form.
29.5517 General quality.
29.5518 Grade.
29.5519 Grademark.
29.5520 Group.
29.5521 Injury.
29.5522 Leaf scrap.
29.5523 Leaf structure.
29.5524 Length.
29.5525 Lot.
29.5526 Maturity.
29.5527 Nested.
29.5528 No Grade.
29.5529 Offtype.
29.5530 Package.
29.5531 Packing.
29.5532 Quality.
29.5533 Raw.
29.5534 Semicured.
29.5535 Side.

Sec.
29.5536 Sound.
29.5537 Stem.
29.5538 Stemmed.
29.5539 Stem rot.
29.5540 Strength (tensile).
29.5541 Strips.
29.5542 Sweated.
29.5543 Tobacco.
29.5544 Tobacco products.
29.5545 Type.
29.5546 Type 51.
29.5547 Type 52.
29.5548 Undried.
29.5549 Uniformity.
29.5550 Unstemmed.
29.5551 Unsweated.
29.5552 Wet (high-case).
29.5553 Width.

ELEMENTS OF QUALITY

29.5581 Elements of quality and degrees of each element.

RULES

29.5586 Rules.
29.5587 Rule 1.
29.5588 Rule 2.
29.5589 Rule 3.
29.5590 Rule 4.
29.5591 Rule 5.
29.5592 Rule 6.
29.5593 Rule 7.
29.5594 Rule 8.
29.5595 Rule 9.
29.5596 Rule 10.
29.5597 Rule 11.
29.5598 Rule 12.
29.5599 Rule 13.
29.5600 Rule 14.
29.5601 Rule 15.
29.5602 Rule 16.
29.5603 Rule 17.
29.5604 Rule 18.

GRADES

29.5626 Binder (B Group).
29.5627 Nonbinder (X Group).
29.5628 Nondescript (N Group).
29.5629 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.5651 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.5656 Key to standard grademarks.

OFFICIAL STANDARD GRADES FOR WISCONSIN CIGAR-BINDER TOBACCO (U.S. TYPES 54 AND 55)

DEFINITIONS

29.6001 Definitions.
29.6002 Air-cured.
29.6003 Body.
Sec.
29.6004 Burn.
29.6005 Case (order).
29.6006 Class.
29.6007 Clean.
29.6008 Condition.
29.6009 Crude.
29.6010 Cured.
29.6011 Damage.
29.6012 Dirty.
29.6013 Elasticity.
29.6014 Elements of quality.
29.6015 Foreign matter.
29.6016 Form.
29.6017 General quality.
29.6018 Grade.
29.6019 Grademark.
29.6020 Group.
29.6021 Injury.
29.6022 Leaf scrap.
29.6023 Leaf structure.
29.6024 Length.
29.6025 Lot.
29.6026 Maturity.
29.6027 Nested.
29.6028 No Grade.
29.6029 Offtype.
29.6030 Package.
29.6031 Packing.
29.6032 Quality.
29.6033 Raw.
29.6034 Semicured.
29.6035 Side.
29.6036 Sound.
29.6037 Stem.
29.6038 Stemmed.
29.6039 Stem rot.
29.6040 Strength (tensile).
29.6041 Strips.
29.6042 Sweated.
29.6043 Tobacco.
29.6044 Tobacco products.
29.6045 Type.
29.6046 Type 53.
29.6047 Type 54.
29.6048 Type 55.
29.6049 Undried.
29.6050 Uniformity.
29.6051 Unstemmed.
29.6052 Unsweated.
29.6053 Wet (high-case).
29.6054 Width.

ELEMENTS OF QUALITY

29.6081 Elements of quality and degrees o each element.

RULES

29.6086 Rules.
29.6087 Rule 1.
29.6088 Rule 2.
29.6089 Rule 3.
29.6090 Rule 4.
29.6091 Rule 5.
29.6092 Rule 6.

Sec.
29.6093 Rule 7.
29.6094 Rule 8.
29.6095 Rule 9.
29.6096 Rule 10.
29.6097 Rule 11.
29.6098 Rule 12.
29.6099 Rule 13.
29.6100 Rule 14.
29.6101 Rule 15.
29.6102 Rule 16.
29.6103 Rule 17.
29.6104 Rule 18.

GRADES

29.6126 Binder (B Group).
29.6127 Stripper (C Group).
29.6128 Straight Stripped (X Group).
29.6129 Farm Filler (Y Group).
29.6130 Nondescript (N Group).
29.6131 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.6155 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.6161 Key to standard grademarks.

OFFICIAL STANDARD GRADES FOR CONNECTICUT VALLEY SHADE-GROWN CIGAR-WRAPPER TOBACCO (U.S. TYPE 61)[1]

DEFINITIONS

29.6251 Definitions.
29.6252 Air-cured.
29.6253 Body.
29.6254 Brown colors.
29.6255 Candela-cured.
29.6256 Candela-cured green colors.
29.6257 Class.
29.6258 Color.
29.6259 Color shade.
29.6260 Color symbols.
29.6261 Condition.
29.6262 Crude.
29.6263 Cured.
29.6264 Damage.
29.6265 Dirty.
29.6266 Elasticity.
29.6267 Elements of quality.
29.6268 Fibers.
29.6269 Fleck (FL).
29.6270 Foreign matter.
29.6271 Form.
29.6272 Grade.
29.6273 Grademark.
29.6274 Green (G).
29.6275 Greenish (V).
29.6276 Group.
29.6277 Injury.
29.6278 Leaf scrap.
Sec.
29.6279 Leaf structure.
29.6280 Length.
29.6281 Lot.
29.6282 Maturity.
29.6283 Mixed color (M).
29.6284 Nested.
29.6285 Offtype.
29.6286 Order (case).
29.6287 Package.
29.6288 Packing.
29.6289 Quality.
29.6290 Semicured.
29.6291 Side.
29.6292 Sound.
29.6293 Special factor.
29.6294 Stained.
29.6295 Stem.
29.6296 Stemmed.
29.6297 Strips.
29.6298 Subgrade.
29.6299 Sweated.
29.6300 Sweating.
29.6301 Tobacco.
29.6302 Tobacco products.
29.6303 Type.
29.6304 Type 61.
29.6305 Undried.
29.6306 Uniformity.
29.6307 Unstemmed.
29.6308 Variegated.
29.6309 Wet.

RULES

29.6336 Rules.
29.6337 Rule 1.
29.6338 Rule 2.
29.6339 Rule 3.
29.6340 Rule 4.
29.6341 Rule 5.
29.6342 Rule 6.
29.6343 Rule 7.
29.6344 Rule 8.
29.6345 Rule 9.
29.6346 Rule 10.
29.6347 Rule 11.
29.6348 Rule 12.
29.6349 Rule 13.
29.6350 Rule 14.
29.6351 Rule 15.
29.6352 Rule 16.
29.6353 Rule 17.
29.6354 Rule 18.
29.6355 Rule 19.
29.6356 Rule 20.

ELEMENTS OF QUALITY

29.6371 Elements of quality and degrees of each element.

GRADES FOR NATURAL (AIR-CURED) TOBACCO

29.6386 Wrappers (A Group).
29.6387 Stained (S Group).
29.6388 Brokes (X Group).
29.6389 Nondescript (N Group).

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[1] These standards provide grades for both air-cured and candela-cured tobacco.

Sec.

GRADES FOR CANDELA-CURED TOBACCO

29.6396 Wrappers (A Group).
29.6397 Brokes (X Group).
29.6398 Nondescript (N Group).

SUMMARY OF STANDARD GRADES

29.6406 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.6411 Key to standard grademarks.

OFFICIAL STANDARD GRADES FOR GEORGIA AND FLORIDA SHADE-GROWN CIGAR-WRAPPER TOBACCO[1] (U.S. TYPE 62)

DEFINITIONS

29.6501 Definitions.
29.6502 Air-cured.
29.6503 Body.
29.6504 Candela-cured.
29.6505 Candela-cured green colors.
29.6506 Class.
29.6507 Color.
29.6508 Color shade.
29.6509 Color symbols.
29.6510 Condition.
29.6511 Crude.
29.6512 Cured.
29.6513 Damage.
29.6514 Dirty.
29.6515 Elasticity.
29.6516 Elements of quality.
29.6517 Fibers.
29.6518 Fleck (FL).
29.6519 Foreign matter.
29.6520 Form.
29.6521 Grade.
29.6522 Grademark.
29.6523 Green (G).
29.6524 Greenish.
29.6525 Group.
29.6526 Injury.
29.6527 Leaf scrap.
29.6528 Leaf structure.
29.6529 Length.
29.6530 Lot.
29.6531 Maturity.
29.6532 Mixed color (M).
29.6533 Nested.
29.6534 Offtype.
29.6535 Order (case).
29.6536 Package.
29.6537 Packing.
29.6538 Quality.
29.6539 Semicured.
29.6540 Side.
29.6541 Sound.
29.6542 Special factor.
29.6543 Stained.
29.6544 Stem.

Sec.
29.6545 Stemmed.
29.6546 Strips.
29.6547 Subgrade.
29.6548 Sweated.
29.6549 Sweating.
29.6550 Tobacco.
29.6551 Tobacco products.
29.6552 Type.
29.6553 Type 62.
29.6554 Undried.
29.6555 Uniformity.
29.6556 Unstemmed.
29.6557 Variegated.
29.6558 Wet.

RULES

29.6581 Rules.
29.6582 Rule 1.
29.6583 Rule 2.
29.6584 Rule 3.
29.6585 Rule 4.
29.6585 Rule 5.
29.6587 Rule 6.
29.6588 Rule 7.
29.6589 Rule 8.
29.6590 Rule 9.
29.6591 Rule 10.
29.6592 Rule 11.
29.6593 Rule 12.
29.6594 Rule 13.
29.6595 Rule 14.
29.6596 Rule 15.
29.6597 Rule 16.
29.6598 Rule 17.
29.6599 Rule 18.
29.6600 Rule 19.

ELEMENTS OF QUALITY

29.6616 Elements of quality and degrees o each element.

GRADES FOR NATURAL (AIR-CURED) TOBACCO

29.6636 Wrappers (A Group).
29.6637 Stained (S Group).
29.6638 Brokes (X Group).
29.6639 Nondescript (N Group).

GRADES FOR CANDELA-CURED TOBACCO

29.6646 Wrappers (A Group).
29.6647 Brokes (X Group).
29.6648 Nondescript (N Group).

SUMMARY OF STANDARD GRADES

29.6656 Summary of standard grades.

KEY TO STANDARD GRADEMARKS

29.6661 Key to standard grademarks.

Subpart D—Orders of Designation of Tobacc Markets

29.8001 Designation of tobacco markets.

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[1] These standards provide grades for both air-cured and candela-cured tobacco.

Sec.

Subpart E—[Reserved]

Subpart F—Policy Statement and Regulations Governing the Identification and Certification of Nonquota Tobacco Produced and Marketed in a Quota Area

DEFINITIONS

29.9201 Terms defined.
29.9202 Approved receiving station.
29.9203 Certification.
29.9204 Crop-lot.
29.9205 Identification number (farm serial number).
29.9206 Inspection.
29.9207 Nonquota tobacco.
29.9208 Permissible inspection.
29.9209 Lot.
29.9210 Office of inspection.

POLICY STATEMENT

29.9221 Policy statement.

ADMINISTRATION

29.9231 Administration.
29.9232 Where certification is available.
29.9233 When certification will be made.
29.9234 Who may obtain certification.
29.9235 How to make application.
29.9236 Form of application.
29.9237 When application deemed filed.
29.9238 When application may be rejected.
29.9239 When application may be withdrawn.
29.9240 Responsibilities of applicant.
29.9241 Accessibility of tobacco.

FEES AND CHARGES

29.9251 Fees and charges.

CERTIFYING PROCEDURES

29.9261 Procedure to be followed.
29.9262 Issuance of certificates.
29.9263 Tobacco classification certificate.
29.9264 Forms.
29.9265 Disposition of certificate.
29.9266 Changes or alterations.

PRECLUSION

29.9281 Preclusion.

Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-Cured Tobacco on Designated Markets

29.9401 Definitions.
29.9402 Policy statement.
29.9403 Flue-Cured Tobacco Advisory Committee.
29.9404 Marketing area opening dates and marketing schedules.

Sec.
29.9405 Issuance of marketing area opening date and selling schedules by the Secretary.
29.9406 Failure of warehouse to comply with opening and selling schedule.
29.9407 Records and reports.

AUTHORITY: Sec. 19, 49 Stat. 734 as amended, 7 U.S.C. 511m; and sec. 213, 97 Stat. 1149, as amended, 7 U.S.C. 511r, unless otherwise noted.

CROSS REFERENCE: For regulations with respect to tobacco warehouses, see part 737 of chapter VII.

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets

AUTHORITY: Sec. 14, 49 Stat. 734, as amended; sec. 4, 62 Stat. 1070, as amended, 7 U.S.C. 511m, 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054 as amended, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421, 1423.

§ 29.1 Definitions.

For purposes of this subpart A, the following terms shall have the following meanings:

(a) *Additional sale* means an additional auction sale proposed to be conducted on a designated market.

(b) *Adequate set of buyers* means 5 or more buyers representing 5 or more companies or buying organizations which either will use the tobacco in the manufacture of tobacco products in this country or in foreign countries, or will pack and sell the tobacco later for use by manufacturers in this country or foreign countries, and who could reasonably be expected to purchase at least two-thirds of the total U.S. production of the kind of tobacco for which the additional services are requested.

(c) *Auction market* means a marketing center containing one or more warehouses where tobacco is delivered by producers thereof, or their agents, for sale by the auction process. There may be one or more auction sales on an auction market.

(d) *Bona fide auction sale* and *auction sale* mean the buying and selling of tobacco offered by producers by the auction process which customarily and usually consists of an adequate set of buyers; an auctioneer who takes each buyer's bid; a sales starter who makes the opening bid on each lot; and a ticket marker who records the applicable sales data on each lot.

(e) *Designated market* means an auction market designated by the Secretary under section 5 of the Tobacco Inspection Act including the town or city which is the population center of the market and whose name the market bears and all of the geographical area within 3 road miles of the boundaries of said city or town as they are constituted on January 1, 1976. *Provided,* That any warehouse beyond these boundaries which received tobacco inspection and price support services during the 1976 marketing season shall continue to receive such services at the same location regardless of any prohibition contained herein: *And further provided,* That this geographical limitation may be waived by the Secretary after a hearing held pursuant to §§ 29.2 and 29.3.

(f) *Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(g) *Hearing Officer* means any administrative law judge appointed pursuant to 5 U.S.C. 3105, and assigned to the proceeding involved, or such other employee of the Department of Agriculture as the Secretary may designate to act as hearing officer at such hearing.

(h) *New market* means an auction market, other than a designated market, at which inspection service under the tobacco Inspection Act was not provided on a regular basis during the preceding marketing season.

(i) *Hearing Clerk* means the Hearing Clerk of the U.S. Department of Agriculture, Washington, DC 20250.

(j) *Kind of tobacco* means any one of the following: Flue-cured, Burley, Fire-cured, Dark air-cured, Maryland or Virginia sun-cured.

[37 FR 7765, Apr. 20, 1972, as amended at 39 FR 3548, Jan. 28, 1974; 42 FR 17097, Mar. 31, 1977]

§ 29.2 Policy statement.

Inspection and price support services currently provided in auction marketing areas are adequate and the lack of these services is not a limiting factor to accelerated marketings or the extension of price support to producers. Consequently, the extension of inspection and price support services, without limitation even though the cost of such service is paid by the seller, would not contribute to the effectuation of the purposes of either of these services. The additional cost incident to the unlimited extension of these services would be unjustifiable and excessive in relation to the total quantity of tobacco available for market. Accordingly, inspection and price support services shall be made available on new markets at warehouses which are located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), and additional sales for other than flue-cured tobacco only as hereinafter provided. With regard to flue-cured tobacco, allocation of inspection services is based on producer designation, as provided for in 7 CFR 1464.2(e)(2)(iii), see Subpart G. Also, since these services shall be made available to new markets to warehouses which are located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), and additional sales only as herein provided, referenda incident to market designations shall not be conducted until auction markets seeking designation have qualified for inspection and price support services as herein provided.

(a) *Reasonable inspection and price support services.* The extension of tobacco inspection and price support services to new markets to warehouses which are located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), and additional sales will be conditioned upon the reasonableness of such services existing in the marketing area of the proposed new market or additional sale. Transactions in tobacco as conducted at auction markets customarily involve the sale of tobacco at a bona fide auction sale. Determination with respect to reasonableness, and consequently with respect to granting or denying additional services, will be based on evidence (1) that the proposed new market, warehouse located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), or additional sale will function as a bona fide auction sale, and (2) that additional services are justifiable in relation to other market data, including the volume of tobacco produced in the area surrounding the proposed new market, warehouse located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), or additional sale; the roads and road distances involved in moving tobacco to the proposed new market, warehouse located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), or additional sale in relation to other tobacco marketing centers; the relative availability or congestion of all facilities for redrying and packing tobacco handled or to be handled in the proposed new market, warehouse located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), or additional sale; the location of other auction markets on which tobacco produced in the marketing area of the proposed new market, warehouse located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), or additional sale may be marketed; the number of tobacco growers to be affected by the proposed new market, warehouse located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), or additional sale; the volume of tobacco likely to be sold in the proposed new market, warehouse located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), or additional sale; the relationship of sales in the proposed new market, warehouse located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), or additional sale to sales in other auction markets in the producing area for that kind of tobacco; other economic factors affecting the marketing of tobacco, by growers, in the marketing area of the proposed new market, warehouse located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), or additional sale and in the producing area for that kind of tobacco, including limitations on sales imposed by any marketing agreement and/or order, or by any other means; and also, as to flue-cured tobacco, data with regard to producer designations which shall include, but not be limited to, the markets and warehouses currently available for the producers, who would be eligible to designate the new market or, warehouse located beyond the geographical limitation for "designated markets" set forth in § 29.1(e), who already designate and who desire to designate the new market.

(b) *Order of priority.* If the Secretary finds that there are insufficient qualified tobacco inspectors available to service adequately all applicants otherwise found to be qualified for additional inspection service pursuant to this subpart for a kind of tobacco, those applicants found to be eligible for additional services on auction markets designated for mandatory inspection shall be given priority over applicants for additional inspection service on other auction markets. If it becomes necessary to determine which of several qualified applicants having an equal order of priority under the preceding sentence shall receive additional inspection and price support services, those auction sales or auction markets where the greatest number of growers needing such service may be served with the qualified inspectors shall have priority. If an application for an additional sale on a designated market is denied for lack of qualified inspectors, the Secretary, on application from such market, may temporarily suspend the requirement of inspection and certification on such market pursuant to section 5 of the Tobacco Inspection Act.

(c) *Price support services to be through warehouses.* Price support services on any auction market will be offered through tobacco auction warehouses operating in such market, and, notwithstanding any provision of this subpart, the offering of price support services through any auction warehouse located on any auction market will be conditioned upon a qualified, responsible warehouseman entering into an approved auction warehouse contract under the provisions of the applicable tobacco price support program, published at Part 1464 of this title.

[37 FR 7765, Aug. 20, 1972, as amended at 42 FR 17097, Mar. 31, 1977; 46 FR 62393, Dec. 24, 1981]

§ 29.3 Procedures for filing, hearing, and determination of applications.

(a) *Time and place of filing.* Applications for the extension of tobacco inspection and price support services to new markets, to warehouses located beyond the geographical limitation for "designated markets" set forth in § 29.1(e) and to additional sales on designated markets shall be filed, in triplicate, with the Hearing Clerk not later than September 15 in the case of flue-cured tobacco, December 1 in the case of Maryland tobacco, and July 15 in the case of burley and all other kinds of tobacco. Applications should be addressed to the Hearing Clerk, U.S. Department of Agriculture, Washington, DC 20250. Applications which are not received by the Hearing Clerk on or before the foregoing cutoff date for the kind of tobacco shall be rejected as untimely filed. After denial of an application for additional inspection and price support services for a marketing season, no application from the same auction market or proposed new market shall be considered for the next consecutive marketing season, unless the application contains a statement by the applicant setting forth new facts that constitute evidence of such a substantial change in conditions since the previous hearing as the review committee as specified in paragraph (h) of this section deems would warrant such further hearing.

(b) *Form and content of application.* The application shall be in writing, shall set forth the grounds for the application and shall be signed by the applicant or applicants. If an applicant is a corporation, the application shall be executed by a responsible officer of such corporation. The application shall include a statement of the name, address and form of business organization of each party to the application and the location of the proposed new market or additional sale.

(c) *Hearings on applications.* Following the closing date for filing applications for each kind of tobacco, a hearing or hearings shall be held on the applications, if any, filed for additional inspection and price support services for the kind of tobacco in question. Such hearing or hearings shall be scheduled to begin within 60 days following the closing date for such applications. Notice of hearing shall be issued by the Secretary, filed with the Hearing Clerk, and published in the FEDERAL REGISTER, and a copy shall be mailed by the Hearing Clerk to each applicant. Such publication and mailing shall be not less than 5 days prior to the opening of the hearing.

(d) *Hearing officer.* A hearing officer shall preside over each such hearing. The hearing officer shall determine the order of procedure at the hearing, shall have power to administer oaths and affirmations, to rule on and admit evidence, and, following the opening of the hearing, to recess the hearing to such other times and places as he deems desirable or necessary.

(e) *Scope of hearing and burden of proof.* Each applicant shall have the burden of presenting evidence relative to the factors specified in § 29.2(a).

(f) *Record and evidence.* The proceedings at each such hearing shall be transcribed verbatim. All oral testimony shall be under oath or affirmation. All documentary exhibits shall be submitted in triplicate by the person offering the same. The Hearing Officer shall, insofar as possible, exclude testimony and exhibits which are irrelevant, immaterial, or not of the sort upon which responsible persons are accustomed to rely. Cross-examination shall be allowed only to the extent that the Hearing Officer in his discretion deems it desirable or necessary to develop the material facts.

(g) *Briefs.* If requested at the hearing, the presiding officer shall fix a time, not to exceed 20 days from the close of the hearing, within which interested persons may mail briefs to the Hearing Clerk.

(h) *Certification and referral.* As soon as practicable following the close of the hearing, the Hearing Officer shall certify the transcript of the proceedings at the hearing together with all exhibits and shall transmit the same to the Hearing Clerk for referral to a review committee comprised of the Administrator, Agricultural Marketing Service, the Administrator, Agricultural Stabilization and Conservation Service, and a representative of the Office of the Secretary to be designated by the Secretary.

(i) *Recommended action.* The review committee shall review and consider the applications, hearing record, including exhibits, and all other available information and data relating to applications for each kind of tobacco and shall submit a recommendation thereon to the Secretary.

(j) *Final decision.* The Secretary shall issue the decision on each application and such decision shall be final: *Provided,* That any determination that additional services will be provided may be reconsidered and may be vacated if it is subsequently found that any material fact upon which such determination was based was materially erroneous or false, or that the new market or additional sale in question is not functioning as a bona fide auction sale. Such decision shall be filed with the Hearing Clerk who shall mail a true copy thereof, by certified mail, to the applicant.

[37 FR 7765, Apr. 20, 1972, as amended by 39 FR 3548, Jan. 28, 1974; 41 FR 24693, June 18, 1976; 42 FR 17098, Mar. 31, 1977; 46 FR 62393, Dec. 24, 1981]

Subpart B—Regulations

AUTHORITY: 7 U.S.C. 511m and 511r.

SOURCE: 13 FR 9474, Dec. 31, 1948; 19 FR 57, Jan. 6, 1954, unless otherwise noted.

DEFINITIONS

§ 29.12 Terms defined.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases hereinafter defined shall have the indicated meanings so assigned unless the context or subject matter otherwise requires.

§ 29.13 The act.

The Tobacco Inspection Act, approved August 23, 1935. (7 U.S.C. 511 *et seq.*)

§ 29.14 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 29.15 Department.

The U.S. Department of Agriculture.

§ 29.16 Division.

Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture.

§ 29.17 Director.

Director or Acting Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture.

§ 29.18 Person.

Individual, association, partnership, or corporation.

§ 29.19 Inspector.

Person employed, licensed, or authorized by the Secretary to determine and certify the type, grade, condition, or other characteristics of tobacco.

§ 29.20 Sampler.

Person employed, licensed, or authorized by the Secretary to select, tag, and seal official samples of tobacco.

§ 29.21 Weigher.

Person employed, licensed, or authorized by the Secretary to weigh and certify the weight of tobacco.

§ 29.22 Appeal inspector.

An inspector or other person designated or authorized by the Division to hear appeals under the Act and the regulations in this subpart.

§ 29.23 Tobacco.

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

§ 29.24 Official standards.

Standards for tobacco promulgated by the Secretary under the Act.

§ 29.25 Tentative standards.

Standards for tobacco prepared by the Division for trial purposes and limited use pending promulgation by the Secretary of Official Standards.

§ 29.26 Office of inspection.

A field office of the tobacco inspection service of the Division.

§ 29.27 Certificate.

A certificate issued under the Act and the regulations in this subpart.

§ 29.28 Interested party.

The owner or other financially interested person; including the warehouseman, commission merchant, association, and other person who has the tobacco in his custody for sale; the authorized agent of the owner; and persons to whom or by whom the tobacco has been sold on the basis of a certificate issued, or sample prepared, under the Act, but not including a person who is negotiating for its purchase.

§ 29.29 Regulations.

Rules and regulations of the Secretary under the Act.

§ 29.30 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.31 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.32 Identification number.

A number or a combination of letters and numbers in a design or mark approved by the Director, stamped, printed, or stenciled on a lot of tobacco or attached thereto by an inspector, sampler, or weigher for the purpose of identifying the lot covered by a certificate issued under the Act.

§ 29.33 Official sample.

A sample selected, tagged, and signed by an inspector or sampler under the Act.

§ 29.34 Sample seal.

A seal approved by the Director for sealing official samples.

§ 29.35 Lot seal.

A seal approved by the Director for sealing lots of tobacco certificated under the Act.

§ 29.36 Auction market.

A place to which tobacco is delivered by the producers thereof, or their agents, for sale at auction through a warehouseman or commission merchant.

§ 29.37 Designated market.

An auction market designated by the Secretary, under section 5 of the Act.

§ 29.38 Public notice.

A proclamation by the Secretary under the Act (a) stating that an auction market is designated under the Act; (b) giving notice of such fact; (c) specifying a date when the requirement of inspection and certification under the act shall become effective; and (d) released to the press, mailed to the tobacco board of trade or warehouse association of such market, and mailed to the postmaster at such market for posting.

§ 29.39 Permissive inspection.

Inspection authorized under section 6 of the Act.

§ 29.40 Mandatory inspection.

Inspection authorized or required under section 5 of the Act.

ADMINISTRATION

§ 29.51 Administration.

The Director is charged with the supervision of the Division and the performance of all duties assigned thereto in the administration of the Act. Information concerning such administration may be obtained by addressing: The Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250.

PERMISSIVE INSPECTION

§ 29.56 Permissive inspection.

Permissive inspection consists of inspection, including sampling and weighing, and certificating tobacco upon the request of an interested party. Upon such request, the Director may authorize and require an inspector, as a part of his duties, to supervise the preparation of tobacco to be inspected under the Act, including the sorting, handling, conditioning, or packing of such tobacco.

§ 29.57 Where inspection is offered.

Tobacco may be inspected, sampled, or weighed for the purposes of the Act, upon request of an interested party, at points indicated in paragraphs (a), (b), and (c) of this section whenever official inspectors, samplers, or weighers are available and the tobacco is offered under conditions that permit of its proper examination.

(a) Points at which tobacco enters, or is offered for, interstate or foreign shipment, including packing houses, prizeries, warehouses, and other places where tobacco is handled, packed, or stored.

(b) The stations or the headquarters of inspectors, samplers, or weighers. An official station may be any town, city, or place having a market, receiving station, or other facilities for handling, packing, or storing tobacco and where there is a sufficient volume of work to justify the stationing of an inspector, sampler, or weigher.

(c) Points near an official station, to the extent permitted by the time of the inspector, sampler, or weigher at such official station.

§ 29.58 Who may obtain inspection.

Inspection, sampling, or weighing as described in § 29.56 may be requested by an interested party, or his authorized agent, by filing an application in accordance with §§ 29.59 and 29.60.

§ 29.59 How to make application.

Application for inspection, sampling, or weighing of tobacco shall be made to the Division, the office of inspection, or as the case may be, to an official inspector, sampler, or weigher. It may be made orally or in writing and delivered in person, by mail, by telegraph, or otherwise. If made orally, the Division or the official receiving it may require a written confirmation.

§ 29.60 Form of application.

Application for inspection, sampling, or weighing tobacco shall include the following information:

(a) The date of the application;

(b) The designation of the tobacco and the crop year of its production;

(c) The name and post-office address of the applicant and of the person, if any, making the application as agent;

(d) The financial interest of the applicant in the tobacco;

(e) The exact nature of the service desired as (1) inspection, (2) inspection and sealing packages, (3) sampling, or (4) weighing;

(f) A statement that the tobacco (1) is in commerce, as defined in the act, or (2) is to be inspected, sampled, or weighed in connection with its entering such commerce;

(g) If the tobacco has been officially inspected, sampled, or weighed previously, the application must have the previous certificate attached, or show with respect to such previous service (1) by whom, (2) the date, (3) previous determinations as certificated;

(h) The reason for requesting reinspection, resampling, or reweighing; and

(i) Such other necessary information as the Director may require.

§ 29.61 When application deemed filed.

An application shall be deemed filed when delivered to the Division, the office of inspection, or according to the nature of the service requested, to an official inspector, sampler, or weigher. When an application is filed, the date and time of filing shall be recorded by the official receiving it.

§ 29.62 When application may be rejected.

An application may be rejected (a) for noncompliance with the Act or the regulations in this subpart, or (b) when it is not practicable to provide the service. All expenses incurred in connection with an application rejected for noncompliance with the Act or the regulations in this subpart shall be paid by the applicant as provided in § 29.124.

§ 29.63 When application may be withdrawn.

An application may be withdrawn at any time before the requested service is rendered upon payment of expenses incurred in connection therewith as provided in § 29.124.

§ 29.64 Authority of agent.

Proof of authority of any person making an application as agent may be required in the discretion of the official receiving the application.

§ 29.65 Accessibility of tobacco.

All tobacco to be inspected, sampled, or weighed upon application shall be made accessible by the applicant for proper examination, including any necessary display in proper light for determination of grade or other characteristics or for drawing of samples. In the case of tobacco in packages, the coverings shall be removed by the applicant in such manner as may be prescribed by the inspector, sampler, or weigher.

§ 29.66 Certificates.

(a) *Forms.* Each certificate issued under this regulation shall (1) show that it was issued under The Tobacco Inspection Act; (2) be in a form approved for the purpose by the Director and (3) embody within its written or printed terms, with respect to the particular kind of service, all applicable information required by paragraphs (b), (c), (d), (e), and (f) of this section. Each certificate may also contain any information, not inconsistent with the act and the regulations in this subpart, as may be approved or required by the Director. The Director may, in his discretion, specify or limit the period in which a certificate shall be valid.

(b) *Inspection certificate.* Each inspection certificate shall show (1) the caption "Tobacco Inspection Certificate"; (2) whether it is an original, first, second, or other copy; (3) the number of the certificate; (4) the identification number and private identification marks on the lot; (5) the date and number of the official sample, if any; (6) the location of the tobacco at the time of inspection or sampling; (7) the date of inspection; (8) the type and grade of the tobacco; (9) the kind of lot or package; and (10) the signature of the official inspector; also such additional information as may be required by the Director. An inspection certificate covering a package of tobacco shall also show the form and condition of the tobacco.

(c) *Sample inspection certificate.* Each sample inspection certificate shall carry the caption "Tobacco Sample Inspection Certificate" and shall otherwise comply with the requirements of an inspection certificate, and in addition include a clearly worded statement that the type, grade, or other tobacco characteristics, shown therein, apply only to the tobacco contained in the sample inspected.

(d) *Weight certificate.* Each weight certificate shall show (1) the caption "Tobacco Weight Certificate"; (2) whether it is an original, first, second, or other copy; (3) the number of the certificate; (4) the identification number or private identification marks on the lot; (5) the location of the tobacco at the time of weighing; (6) the date of weighing; (7) the weight of each lot; (8) the kind of lot or package; and (9) the signature of the official weigher.

(e) *Official sample tag.* Each official sample drawn and prepared shall have attached thereto, a certificate or tag showing (1) the caption "Official Tobacco Sample"; (2) the date of sampling; (3) the location of the tobacco at the time of sampling; (4) the kind of lot or package; (5) the condition of the tobacco; (6) the identification number and private identification marks on the lot; and (7) when a lot is found to be damaged, nested, or in doubtful keeping order, a statement of such fact.

(f) *Combination certificate.* A combination certificate of inspection and weight may be issued under the Act, if such certificate carries the caption "Tobacco Inspection and Weight Certificate" and otherwise meets all of the requirements of paragraphs (b) and (d) of this section.

§ 29.67 Disposition of certificates.

When a certificate of inspection or weight is issued under the Act upon the request of an interested party, the original certificate and one copy shall be delivered or mailed to the applicant or a person designated by him, and one copy shall be mailed or delivered to the Division or local office of inspection. Charges may be made for additional copies furnished the interested party upon request as provided in § 29.128.

§ 29.68 Advance information.

Upon the request of an applicant for whom tobacco has been inspected, sampled, or weighed and certificated under the Act, all or any part of the contents of such certificate may be telegraphed or telephoned to him as his expense. Information relative to grade or other determinations contained or to be contained in a certificate shall not be divulged by an inspector, sampler, or weigher to any person other than an interested party or his agent without the approval of the Director, and such information shall not be furnished an interested party before the certificate is issued.

§ 29.69 Weighing apparatus.

A scale used for determination of weight to be certificated under the Act shall be subject to examination for accuracy according to the regulations of the State or municipality in which located. No disapproved scale shall be used to determine weight of tobacco for the purposes of the Act and the regulations in this subpart.

MANDATORY INSPECTION

§ 29.71 Mandatory inspection.

Mandatory inspection consists of inspecting and certifying tobacco under the Act on designated markets before it is offered for sale at auction.

§ 29.72 Where mandatory inspection is required.

All tobacco offered for sale at auction on a market designated in accordance with the Act and § 29.73 shall be inspected and certificated under the Act upon the date specified by the Secretary in public notice of such designation, and thereafter, except when the requirement of such inspection and certification is temporarily suspended by the Director in accordance with the Act and the regulations in this subpart.

§ 29.73 Designation of markets; termination of designation.

An auction market where tobacco bought or sold thereon at auction or the products customarily manufactured therefrom move in commerce may be designated under the Act by the Secretary after the Director has advised the Secretary that two-thirds of the growers voting in the referendum held in accordance with § 29.74 favored the designation of such market. When a market is designated by the Secretary, he shall give public notice of the fact and in such public notice he shall specify the date on which the requirement of inspection and certification of tobacco sold at auction on such market shall become effective. The Director may temporarily suspend the requirement of inspection and certification on a designated market when it is found impracticable to provide such services because competent inspectors are not obtainable or because the quantity of tobacco available for inspection is insufficient to justify the cost of such service. A designation shall terminate automatically at the end of any two consecutive marketing seasons during which a designated market does not conduct any sales of tobacco at auction. A market whose designation is terminated under this section shall be considered as a new market, as defined in § 29.1, and any future application for services shall be filed and determined in accordance with the provisions of §§ 29.3 and 29.2.

[38 FR 27599, Oct. 5, 1973]

§ 29.74 Growers' referendum.

(a) *Method of conducting.* Any referendum held as provided in section 5 of the Act shall be conducted by the Division in accordance with this section. The Director shall determine (1) the market or group of markets to be covered by a referendum; (2) when a referendum is to be held; and (3) the period during which growers, entitled to vote therein, may cast their ballots. When a referendum is held for a group of markets, the result of such referendum may be construed to apply either individually or collectively to such markets. Before holding a referendum, the Division shall establish from the records of the collectors of internal revenue for the preceding marketing season, or in the absence of such records then from such other reliable sources of information as are available, a list showing the names of all growers who are entitled to vote in the referendum, and from the list so established the eligibility of growers to vote in a referendum shall be determined by the Division: *Provided,* That if a grower, whose name appears on such lists for two or more markets selling the same class of tobacco, votes in one referendum for a market selling such type, he shall not be eligible to vote in a referendum for any other market selling such type. If no growers sold tobacco at auction on a proposed new market during the preceding marketing season, then the list of growers entitled to vote in the referendum shall be comprised of the growers residing in the county where the proposed new market is located and in the adjacent counties.

(b) *Form of ballot.* Ballots to be used for voting in a referendum held under the Act shall be in a form approved for the purpose by the Director.

(c) *Distribution of ballots.* Ballots to be used by growers in a referendum under the act may be distributed by mail or otherwise as the Director may select. The Director may establish and publish a list of voting places for the purpose of any referendum and distribute ballots therefrom. When ballots are not mailed directly to growers who are entitled to vote, insofar as their addresses are known, the Director shall announce the voting places at which ballots can be secured, and copies of such announcement shall be given to the press and mailed, for posting and distribution, to the post offices of the market or group of markets covered by the referendum and to post offices in the vicinity of such markets or group of markets. Any explanatory statement with reference to a referendum, provisions of the Act and these regulations, or the operation and benefits of the services authorized by the act may be attached to or supplied with ballots.

(d) *Filing and tabulation of votes.* Each ballot, when filled in and signed by a grower entitled to vote in a referendum, shall be mailed or delivered by him as specified in the ballot. Persons authorized by the Director to receive votes in any referendum shall promptly file all votes received or collected by them with the Division. All ballots filed in a referendum shall be examined to verify the eligibility of the voter and the Director shall have compiled the result of the referendum and furnish the Secretary a statement showing whether or not two-thirds of the growers voting favored the designation of the market or group of markets covered by the referendum. In verifying votes, ballots which do not show the desire of the voter, or ballots which are defective or illegible, or ballots on which the signature or other identification does not correspond with the established list shall not be counted. The choice of any individual voter shall not be divulged by any official of the Division, except to the Secretary when requested. Votes, ballots, and other documents pertaining to a referendum shall be preserved in the Division for a period of 2 years from the closing date of such referendum, and may be destroyed thereafter.

[13 FR 9474, Dec. 31, 1948; 19 FR 57, Jan. 6, 1954, as amended at 55 FR 21738, May 29, 1990]

§ 29.75 Accessibility of tobacco.

(a) All tobacco subject to mandatory inspection on a designated market shall be made readily accessible for inspection.

(b)(1) Each warehouse operator shall block off in his warehouse adequate space for each basket of flue-cured tobacco offered for sale on the auction market, and shall prominently number each 10th basket space. The blocking and numbering arrangement shall follow the order of sale; that is, down one row and back on the adjacent row.

(2) Each warehouse shall display a plainly visible sign with the total number of baskets of flue-cured tobacco allotted to be sold each day. Each warehouse operator shall designate to the inspector the number of the starting space for each day's sale and grading will begin at this designated space. All spaces, whether empty or full, shall be counted. No tobacco will be graded beyond the numbered space corresponding with the number of baskets allotted for each day's sale. The grading shall proceed from the beginning point of the sale to the closing point of the sale in an orderly sequence. An inspector shall not go back and grade any basket of tobacco placed in a space which was empty when grading for the day's sales passed such sales space.

(c) Before starting inspection of the day's sale of flue-cured tobacco in each warehouse, the head grader or market supervisor grader shall determine if there is compliance with the requirements of paragraph (b) of this section. If he determines that the prescribed system has not been followed, the inspectors shall proceed to the next scheduled warehouse and shall return to the noncomplying warehouse on the next sales day for such warehouse when the head grader or market supervisor grader shall again determine if the prescribed system has been followed before starting the inspection.

(d) A reduction in daily sales for any warehouse resulting from noncompliance with this section, including empty spaces, shall not prevent the maximum number of baskets allotted per day per set of buyers from being sold in the market.

[13 FR 9477, Dec. 31, 1948; 19 FR 57, Jan. 6, 1954, as amended at 28 FR 6211, June 18, 1963]

§ 29.75a Display of burley tobacco on auction warehouse floors in designated markets.

(a)(1) Each lot of burley tobacco displayed for sale on auction warehouse floors shall have a minimum space of 24 inches from butts to butts between the rows. Distances between lots of tobacco within the row shall be no less than 8 inches between immediately adjacent lots.

(2) The number of bales on a pallet shall not exceed eight. Tobacco packed in bales shall have the stems turned toward the aisle.

(3) Each warehouse operator shall display a plainly visible sign showing the total number of lots of burley tobacco allotted to be sold each day. Such sign shall be displayed at the point of lots where the days' sales will conclude and no additional tobacco shall be graded beyond that point.

(4) Each warehouse operator shall arrange his entire day's sale in a continuous and orderly arrayed sequence of lots and rows of tobacco. Any arrangement of tobacco in rows of progressively varying lengths, or any deviations from an orderly arrayed sequence of lots and rows of tobacco, shall have prior approval of the Set Work Leader or Circuit Supervisor.

(5) Each warehouse operator shall designate to the Set Work Leader or Circuit Supervisor the starting point or lot for each day's sale, and counting and grading will begin at this designated point and proceed to the closing point of the sale in an orderly sequence. All lot spaces, containing or not containing a lot of tobacco, and all lots of tobacco, covered or uncovered, shall be counted and included in the daily sales allotment. Lots of tobacco shall not be removed, added, rearranged, or substituted between the time they are counted for the day's sale and the time they are graded for the day's sale, provided, however, that with prior approval of the Set Work Leader or Circuit Supervisor compensating lots of tobacco may be substituted for empty spaces and covered lots included in a daily sales count.

(6) Each operator of a warehouse at which baled burley tobacco is offered for sale shall open the particular bale,

in a lot of tobacco, chosen by a grader for inspection and reseal that bale after inspection.

(7) Each seller, by offering burley tobacco for sale, certifies that the lot inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material, and are not nested.

(b) Before starting inspection of the day's sale of burley tobacco in each warehouse, the Set Work Leader or Circuit Supervisor shall determine if there is compliance with the requirements of paragraph (a) of this section. If he determines that the prescribed requirements have not been followed, the inspector shall proceed to the next sale or sales as originally scheduled for that day and grade the number of lots of tobacco scheduled for such sale or sales, and shall return to the noncomplying warehouse or the next regularly scheduled sales day for such warehouse, at which time the Set Work Leader or Circuit Supervisor shall again determine if the prescribed system has been followed before starting the inspection. If noncompliance or failure to observe requirements of paragraph (a) of this section are discovered after inspection for the day's sale has started, the inspector shall discontinue inspection and proceed to the next sale or sales scheduled for that day and shall return to the noncomplying warehouse on the next regularly scheduled sales day for such warehouse.

(c) The provisions of this section shall not preclude the application of other administrative remedies or the institution of criminal proceedings in appropriate cases as provided by the Act.

[30 FR 12627, Oct. 2, 1965, as amended at 47 FR 51721, Nov. 17, 1982]

§ 29.76 Mandatory inspection ticket.

A mandatory inspection ticket shall consist of a Tobacco Inspection Certificate made and issued in combination with an auction warehouse ticket in a form approved by the Director.

§ 29.77 Warehousemen to provide tickets.

A mandatory inspection ticket, in the form required by § 29.76 shall be
provided by each auction warehou
man on a designated market to co
each lot of tobacco offered for sale
auction by him on such market.

§ 29.78 Changes or alterations.

No change or alteration shall
made, in the weight or other identi
cation of the lot, on a mandatory
spection ticket after the certificati
of type and grade by an official insp
tor, and any such change or alterati
shall constitute and be construed a
change or alteration in the certific
issued or authorized under the Act.

§ 29.79 Disposition of ticket.

One copy of the mandatory insp
tion ticket shall be attached to,
placed on, the tobacco certificated a
further identification of the lot and
copies of such ticket shall become n
and void when such identifying copy
removed from the lot. When and as
quested by the Director, one copy
such ticket, showing (a) the certifi
tion of type and grade; (b) the weig
and other identification; and (c) t
details of the sale at auction, shall
delivered by the warehouseman to t
Division or the head inspector of t
market.

§ 29.80 Announcing grades.

The grade of each lot of tobacco
certified by an official inspector on
designated market shall be clearly
nounced by the warehouseman or
representative at the time the lot is
fered in the auction: *Provided*, Th
the Director may waive the requi
ment of announcing grades in the a
tion if he finds it impractical for t
warehouseman to render this service

§ 29.81 Interference with inspectors.

(a) No person, including the own
producer, warehouseman, agent,
employee thereof shall (1) attempt,
any manner, to influence an inspect
with respect to the grade designati
of tobacco, or (2) impede, in a
manner, an inspector while the insp
tor is in the process of grading tobac
on the warehouse auction floor, or
ask any question or discuss any matt
pertaining to the grading of tobac
while the inspector is grading any

bacco on the warehouse auction floor. While inspectors are engaged in grading the day's sale, all requests for information concerning the grade designation on or requests to review the grade of any lot of tobacco shall be made only to the head grader or to the market supervisor grader: *Provided, however,* That the producer of a lot of tobacco may discuss the grading of his tobacco with the inspector while he is performing his grading operations.

(b) In the event that the head grader or market supervisor grader determines that a person has violated any provision of this section, inspection ticket(s) if already issued on the lot(s) of unsold tobacco involved shall be null and void and no further inspection shall be performed on such lot(s) offered for sale by the warehouseman in whose premises the violation occurred until the next regularly-scheduled sale for such warehouse: *Provided,* That if violation consists of talking to the inspector while he is grading the tobacco, a warning shall be given on first offense and penalty provisions shall apply on any subsequent offense. A reduction in daily sales for any warehouse resulting from a violation of this section shall not prevent the maximum number of baskets or pounds allotted per day per set of buyers from being sold in a designated market.

(c) The provisions of this section shall not preclude the application of other administrative remedies or the institution of criminal proceedings in appropriate cases as provided by the Act.

[30 FR 12627, Oct. 2, 1965]

APPEAL

§ 29.90 When appeal may be taken.

Whenever an interested party believes that a certificate issued or a sample prepared under the act is not correct he may file an appeal: *Provided,* That (a) the period for which such certificate was issued or sample was prepared, if any specified, has not expired; (b) all tobacco covered by such certificate or sample is accessible to an appeal inspector for making a proper reinspection, resampling, or reweighing, and can be definitely identified by him as the tobacco covered by such certificate or sample; and (c) the tobacco has not deteriorated or undergone any material change.

§ 29.91 How to obtain an appeal.

An appeal shall be made in writing and filed with the Division or the office of inspection for the type of tobacco involved. Such appeal shall show:

(a) The date; (b) the name and post office address of the appellant and of the person, if any, making the appeal in his behalf; (c) the financial interest of the appellant in the tobacco; (d) the reasons for making the appeal; and such other information as may be required by the Director. The appeal shall be accompanied by the certificate or sample from which the appeal is taken, unless such requirement is waived by the Division when it is impracticable for the appellant to furnish such certificate. The appeal inspector may require the appellant to furnish any other relevant and necessary information for the proper consideration of the appeal.

§ 29.92 Record of filing time.

When an appeal is filed, the date and time of filing shall be recorded by the officer receiving it.

§ 29.93 When appeal may be refused.

If it shall appear that the reasons stated in an appeal are frivolous or unsubstantial or that the act or this subpart have not been complied with, the appeal may be denied or dismissed. When an appeal is denied or dismissed, the appeal inspector shall (a) notify the appellant by telegraph or in writing giving the reason for such denial or dismissal; (b) mail a copy of such notification to the Division; and (c) return or release to the appellant, or other person designated by him, any certificate or sample which was filed with the appeal. All expenses incurred in connection with an appeal prior to its refusal or dismissal shall be paid by the appellant, as provided in § 29.126.

§ 29.94 When appeal may be withdrawn.

An appeal may be withdrawn by the appellant at any time before an appeal certificate is issued or an appeal sample is prepared, upon the payment of any expenses incurred in connection with the appeal as provided in § 29.126.

§ 29.95 Review or second inspection not an appeal.

A review or investigation made in accordance with § 29.132, or a second inspection, sampling, or weighing made upon the request of an interested party for the purpose of securing new or later information when the correctness of an old certificate or sample is not questioned, shall not be considered an appeal.

§ 29.96 Order in which made.

Appeals shall be heard and passed upon, so far as practicable, in the order in which they are filed.

§ 29.97 Who shall pass upon appeals.

Appeals shall be passed upon by an appeal inspector designated for the purpose by the Director. When authorized, by the Director, two or more appeal inspectors may jointly pass upon an appeal. The Division may authorize an inspector, supervising inspector, or other person to act as an appeal inspector, but no appeal inspector shall pass upon an appeal involving the correctness of a certificate issued or sample prepared by him.

§ 29.98 Appeal findings.

Immediately after an appeal has been heard and the tobacco involved therein has been reexamined, an appeal certificate shall be issued or an appeal sample prepared by the appeal inspector. Such certificate or sample shall show the finding of the appeal inspector and shall be labeled "Appeal Certificate" or "Appeal Sample", as the case may be, over the signature of the appeal inspector. An appeal certificate or sample shall supersede all other certificates or samples for the same lot of tobacco and shall refer specifically to the certificate or sample from which the appeal was made. In all other respects the provisions of this subpart relative to certificates or samples shall apply to an appeal certificate or sample. The findings of the appeal inspector as certificated shall be final, unless the Director shall direct a review of such findings.

§ 29.99 Superseded certificate or sample.

When superseded under this subpart by an appeal certificate or an appeal sample, such superseded certificate or sample shall become null and void and shall not thereafter be used to represent the tobacco described therein. If the original and the copies of the old certificate were not delivered to the appeal inspector for cancellation, the appeal inspector shall notify such persons or firms as he may consider necessary to prevent fraudulent use of any such null and void certificate.

INSPECTORS, SAMPLERS, AND WEIGHERS

§ 29.106 Who may be employed, licensed, or authorized.

Any persons who is not financially interested directly or indirectly in merchandising tobacco, except as a grower or except in disposing of tobacco previously acquired, and who has demonstrated his competency may be employed, licensed, or authorized to inspect, sample, or weigh tobacco. Licenses issued by the Secretary shall be countersigned by a supervising official of the Division. Licenses to inspect or to sample shall specify the type or types of tobacco which the licensee is authorized to inspect or sample.

§ 29.107 Order of providing service.

When tobacco is to be inspected, sampled, or weighed upon request, such services shall be rendered as far as practicable in the order in which applications were received. In conducting mandatory inspection, the inspection shall start at the beginning of the "break" in the auction warehouse where the sale is scheduled to start and the inspection shall continue in the order of sale on each warehouse floor and from warehouse to warehouse.

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§ 29.108 Certificate issuance.

A certificate shall be issued as soon as practicable after any tobacco has been inspected or weighed for the purpose of the Act. A separate certificate shall be issued for each lot of tobacco inspected or weighed, except when a certificate covering two or more lots is specifically authorized by the Director. In case of a lost or destroyed certificate, a duplicate thereof may be issued under the same number, date, and name by an authorized supervising official. Any such duplicate certificate shall be plainly marked "Duplicate" above the signature of the supervising official who issued it.

§ 29.109 Inspection determinations.

The determination of type, grade, size, form, condition, or other tobacco characteristics shall be based upon a thorough examination of the lot of tobacco to be certificated or an official sample of such lot. The certification of a lot of tobacco shall be a true representation of the lot, or of the official sample, at the time of inspection.

§ 29.110 Method of sampling.

In sampling tobacco under the Act, at least three breaks shall be made at different points in the lot, and in the discretion of the sampler as many more breaks shall be made as seem necessary to show the range of the entire lot. From the breaks so made tobacco to be used in the official sample shall be selected. The official shall, so far as practicable, include tobacco of each quality, color, length, and other characteristics found in the lot in such proportions as would truly represent the lot. In case a lot is found to be damaged, nested, or in doubtful keeping order, the official sample tag shall be so marked. Official sample tags shall be attached to the sample, in a manner prescribed by the Director.

§ 29.111 Weight determinations.

Daily before weighing any tobacco for the purposes of the Act, a weigher shall verify the accuracy of the scales to be used by him. Except as may be otherwise specified by the Director, all weights certificated shall be within an accuracy of 1 pound.

§ 29.112 Proper light.

Tobacco shall not be inspected or sampled for the purposes of the Act except when displayed in proper light for correct determination of grade or other characteristics of tobacco. No tobacco shall be inspected or sampled for the purposes of the Act in the direct rays of the sun or by any artificial light which does not permit the inspector correctly to determine the grade or other characteristics of tobacco.

§ 29.113 Suspension and termination.

The license of an inspector, sampler, or weigher may be suspended, pending final action by the Secretary, by any official authorized to countersign licenses whenever he considers such action to be for the best interest of the service. The designation of an appeal inspector may be withdrawn at any time by the Division. Before the license of an inspector, sampler, or weigher is terminated or revoked pursuant to the Act and the regulations in this subpart, such appointee or licensee shall be furnished by the Secretary, or his designated representative, with a written statement specifying the charges, and within 7 days after his suspension, the licensee may file an appeal in writing with the Secretary supported by any evidence he may wish to offer in connection therewith.

FEES AND CHARGES

§ 29.123 Fees and charges.

Fees and charges for tobacco inspection and certification service shall be collected by the Director to cover, insofar as practicable, all costs of the services, including establishment of standards, administrative, and supervisory costs, as follows:

(a) *Mandatory inspection.* The inspection and certification fee is $.0067 per pound. The fee shall be paid by sellers of tobacco at auction and assessed against the warehouse irrespective of ownership or interest in the tobacco. When the warehouse pays the Department, it is presumed the fee was collected from the seller. Inspection and related services shall be suspended or denied if the warehouse operator fails to pay the fees and charges imposed under this section. The fee shall be based on total poundage of tobacco inspected and sold at auction during each calendar month. The fee shall be due and payable on the first day of the immediately following month and on the day immediately following the last sale in the warehouse each marketing year. Inspection and certification services on designated auction markets shall take precedence over permissive inspections, other than reinspections.

(b) *Domestic permissive inspection and certification.* Fees and charges for inspection at redrying plants and receiving points shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The hourly rate shall be $29.45. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be $35.15. The rate of $44.05 shall be charged for work performed on Sundays and holidays. These same fees or charges shall be applicable for hogshead, bale, case, or sample inspections.

(c) *Export permissive inspection and certification.* The inspection and certification fee for export tobacco is $.0025 per pound.

(d) Fees and charges fixed in accordance with this subpart shall be paid by the applicant or person obtaining the service in accordance with a statement rendered by the Division. A deposit to cover all, or a part of, fees and charges for services to be rendered may be required by the Division. Fees for services rendered shall be remitted by check or draft made payable to "Agricultural Marketing Service", United States Department of Agriculture.

[46 FR 62393, Dec. 24, 1981, as amended at 47 FR 27058, June 23, 1982; 47 FR 51723, Nov. 17, 1982; 50 FR 45805, Nov. 4, 1985; 54 FR 3406, Jan 24, 1989; 54 FR 27856, July 3, 1989; 54 FR 47756, Nov. 17, 1989]

§ 29.124 When application rejected or withdrawn.

When an application for inspection, sampling, or weighing is rejected in accordance with § 29.62, or withdrawn in accordance with § 29.63, the applicant may be required to pay a reasonable charge for the time used by an inspector, sampler, or weigher, and other expenses incurred in connection with such application prior to its rejection or withdrawal.

§ 29.125 Charge for appeals.

A charge of $5 shall be made for each appeal filed under § 29.90 and the fee for an appeal inspection, sampling, or weighing shall equal the fee for the original inspection, sampling, or weighing from which the appeal is taken, plus any charges for travel or other expenses incurred in hearing the appeal: *Provided,* That when a material error in the certificate or sample from which the appeal is taken is found by the appeal inspector the charge and fee shall be waived.

[13 FR 9474, Dec. 31, 1948; 19 FR 57, Jan. 6, 1954, as amended at 46 FR 62394, Dec. 24, 1981]

§ 29.126 When appeal refused or withdrawn.

When an appeal is refused in accordance with § 29.93 or withdrawn in accordance with § 29.94, the appellant may be required to pay a reasonable charge for the time used by the appeal inspector and other expenses incurred in connection with such appeal prior to its denial, dismissal, or withdrawal.

§ 29.127 Demonstrations and courses of instruction.

Charges, not in excess of the cost thereof, as may be approved by the Director, may be made for demonstrations, samples, or courses of instruction when such are furnished upon request.

[46 FR 62394, Dec. 24, 1981]

§ 29.128 For certificates.

A charge may be made, in the discretion of the Director, for copies of certificates other than those required to be distributed in § 29.67, and for the issuance of a duplicate certificate in accordance with § 29.108.

§ 29.129 National Advisory Committee for Inspection Services.

(a) To assist the Secretary in determining the level of inspection and related services and the fees and charges therefore, a National Advisory Committee of tobacco producers shall be appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix I).

(b) The committee shall consist of 14 members and 14 alternates. There will be a flue-cured subcommittee, a burley subcommittee, and a fire and dark air-cured subcommittee.

(c) Recommendations to the Secretary for membership on the committee will be received from the following organizations: One from the Georgia Farm Bureau, one from the South Carolina Farm Bureau, one from the Virginia Farm Bureau, three from the North Carolina Farm Bureau, two from the North Carolina Grange, one from the Tennessee Farm Bureau, three from the Kentucky Farm Bureau, one from the Florida, Indiana, Missouri, West Virginia, or Maryland Farm Bureau, and one from the Wisconsin or Ohio Farm Bureau.

(d) The committee and/or subcommittees shall meet at the call of the Secretary.

[46 FR 62394, Dec. 24, 1981]

MISCELLANEOUS

§ 29.131 Tobacco publications.

The regulations in this section are issued to implement a subscription fee system for publications issued by the Tobacco Division, Agricultural Marketing Service. All other means of dissemination of market data currently in use, such as commercial and public wire service, telephone answering devices, radio and television will continue without charge to the recipient. Publications under the Act and this section shall be distributed in whatever manner and form and for whatever purpose the Director may choose, and will be available for distribution as follows:

(a) Publications consisting of timely information on the market supply and demand, location, disposition, quality, condition, and market prices for tobacco shall be available on an annual subscription through the mail upon written application and payment of a fee, except that no fee will be charged to other government agencies who cooperate in the collection of market data for the respective publication and growers. There shall be an annual application period during the months of February, March, and April.

(b) Subscription fees for publications shall be calculated by the Director annually to recover costs of printing (including machinery, paper, ink, and miscellaneous supplies) postage, and handling (including the accounting system, fee collection, and personnel with necessary supervision), and released prior to the application period. In order to keep subscription fees to a minimum level, the Director may choose to combine the data of two or more types of tobacco into a single publication.

(c) Requests involving research of records, file copies, large volumes of issues, or requests which require additional handling, shall be assessed fees sufficient to cover the actual cost of the requested service to the Department.

(d) Subscription fees will be prorated for requests arriving after the end of the application period, but may be subject to an additional handling charge to cover additional costs incurred by the Department.

(e) Information concerning tobacco publications and subscription fees may be obtained from the Director, Tobacco Division, Agricultural Marketing Service, Room 502, Annex Building, United States Department of Agriculture, Washington, DC 20250.

(49 Stat. 731; 7 U.S.C. 511-511(q) and the Agriculture and Food Act of 1981 (Pub L. 97-98))

[48 FR 5884, Feb. 9, 1983]

§ 29.132 Division investigations.

An inspector, sampler, or weigher, when authorized by the Division, may of his own initiative, or upon the request of an interested party, review for the purpose of verification or confirmation any tobacco which he has certificated, and any supervising official may review the work of any inspector, sampler, or weigher: *Provided,* That such review shall not be made if the ownership of the tobacco involved has changed since the date of certification, unless there is intimation or evidence of deterioration or of irregularities or fraud in connection with the certification or sampling. When such review discloses an error in the certification, the inspector, sampler, or weigher concerned, or supervising official shall immediately correct the error by making an appropriate change in the certificate or by canceling the certificate and issuing a new certificate in lieu thereof. Any correction made on a certificate shall be initialed by the issuing official or by the supervising official. When a new certificate is issued for a lot of tobacco, the old certificate and copies thereof shall become null and void and shall not thereafter be used to represent the tobacco described therein.

§ 29.133 Identification number.

The Director may require the use of official identification numbers in connection with tobacco certificated or sampled under the Act. When identification numbers are required, they shall be specified by the Director, and shall be attached to, or stamped, printed, or stenciled on, the lots of tobacco certificated or sampled, in a manner specified by the Director.

§ 29.400 Inspection, certification, and testing of imported tobacco.

(a) All tobacco offered for importation into the United States, including tobacco entering foreign trade zones, but excluding transshipped tobacco, oriental and cigar tobacco, shall be inspected for grade and quality. Tobacco subject to inspection shall be inspected at the point of entry.

(b) All flue-cured or burley tobacco, including stems, offered for importation into the United States, including tobacco entering foreign trade zones, but excluding transshipped tobacco, shall be accompanied by a pesticide and end user certification completed by the importer. Any flue-cured or burley tobacco that is not certified as being free of prohibited pesticide residues shall not be permitted entry into the United States until the Secretary has determined that the tobacco meets the pesticide residue requirements in these regulations.

[49 FR 27467, July 3, 1984, as amended at 51 FR 30198, Aug. 22, 1986]

§ 29.401 Definitions.

As used in §§ 29.400 through 29.500, the words and phrases hereinafter defined shall have the following meanings:

(a) *Importation.* Arriving within the territorial limits of the United States with the intent to unload.

(b) *Importer.* The owner of the tobacco at the time of importation or the owner's successor in interest if the tobacco is sold prior to the completion of the requirements of §§ 29.400 through 29.500.

(c) *Inspection certificate.* An official written representation of a lot of tobacco made by an inspector and issued to an importer.

(d) *Invoice.* A writing on behalf of the importer that is used in commercial transactions of tobacco for selling, purchasing, shipping, or consigning.

(e) *Lot.* A unit of shipment of tobacco encompassed by a single invoice.

(f) *Package.* A hogshead, carton, case, bale, or other securely enclosed parcel or bundle.

(g) *Packing list.* A document itemizing each package covered by a single invoice listing, among other things, the kind of tobacco in each package, the net weight, and the marks and numbers identifying each package.

(h) *Point of entry.* The place at the port of entry or foreign trade zone where tobacco is unloaded from a carrier or unpacked from a container for the purpose of warehousing, manipulation, or manufacturing.

(i) *Port of entry.* Any place designated by Executive order of the President, by order of the Secretary of the Treasury, or by Act of Congress, at which a customs officer is authorized to accept entries of merchandise, to collect duties, and to enforce the various provisions of the Customs and Navigation Laws. The term "port of entry" incorporates the geographical area under the jurisdiction of the port director when such port is one other than a district headquarters port.

(j) *Tobacco.* Tobacco between the time it is cured and stripped from the stalk or primed and cured, in whole leaf or unmanufactured form, and the time it is utilized in product manufacturing. Conditioning, sweating, stemming, and threshing are not considered manufacturing.

(k) *Transshipped tobacco.* Tobacco that arrives within the territorial limits of the United States for the purpose of continuous transportation without being unloaded for warehousing, manipulation, or manufacturing, to a destination outside the territorial limits of the United States.

(l) *Unload.* To remove from a carrier at the port of entry or at a foreign trade zone.

(m) *End user certification.* A document issued by the Tobacco Division in a form approved by the Director containing a certification by the importer or subsequent purchaser to identify any and all end users of imported flue-cured or burley tobacco.

(n) *Pesticide.* Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

(o) *Pesticide certification.* A document issued by the Tobacco Division in a form approved by the Director containing a certification by the importer that flue-cured and burley tobacco offered for importation does not exceed the maximum allowable residue levels of any banned pesticide.

(p) *Prohibited pesticide residue.* The maximum concentration of residue allowable for a specific pesticide or combination of pesticides as set forth in § 29.427.

(q) *Stems.* The midribs or large central veins of tobacco leaves.

(r) *Pesticide test sample.* An official sample or samples, collected from a lot of tobacco by the Secretary of Agriculture for analysis by a certified chemist to ascertain the residue levels of banned pesticides.

(s) *Sample Identification Form.* A document approved by the Director that identifies and accompanies the sample to the testing facility on which the test results will be certified by a chemist in charge of testing.

(t) *Subsequent purchaser.* Any entity that acquires ownership of tobacco after importation.

(u) *Testing.* The chemical analysis of a pesticide test sample to determine levels of pesticide residues.

(v) *End user.* A domestic manufacturer of cigarettes or other tobacco products; an entity that mixes, blends, processes, alters in any manner, or stores imported tobacco for export; or any individual that the Secretary may identify as making use of imported tobacco for the manufacture of tobacco products.

(w) *Reexported.* Any imported tobacco not used to manufacture tobacco products that is subsequently exported.

(x) *Blended.* Tobacco that is combined or mixed into a uniform product.

(y) *Leaves.* Whole, undivided tobacco leaves containing lamina and stem.

(z) *Strips.* The sides (including portions of sides) of tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

[49 FR 27467, July 3, 1984, as amended at 51 FR 30198, Aug. 22, 1986; 54 FR 24663, June 9, 1989]

§ 29.402 Advance notice.

The importer shall notify, orally or in writing, the Raleigh Regional Office, USDA, AMS, Tobacco Division, P.O. Box 27846, Raleigh, North Carolina 27611, or the Lexington Regional Office, USDA, AMS, Tobacco Division, 333 Waller Avenue, Lexington, Kentucky 40504, of the date and location that tobacco subject to inspection under § 29.400 will be unloaded for warehousing, manipulation, or manufacturing. This notice shall be received at the Regional Office at least five working days prior to unloading the tobacco for warehousing, manipulation, or manufacturing.

[49 FR 27468, July 3, 1984]

§ 29.403 Accessibility of tobacco.

All tobacco subject to inspection under § 29.400 shall be made accessible by the importer for examination in a manner prescribed by the inspector.

This includes providing proper lighting, removal of package coverings, and such other provisions as the inspector may deem necessary for inspection.

[49 FR 27468, July 3, 1984]

§ 29.404 Inspection.

The inspector shall review each lot of tobacco through a process of selective sampling in sufficient detail to allow an accurate determination of the types and grades contained in each lot.

[49 FR 27468, July 3, 1984]

§ 29.405 Inspection by submitted samples.

The Director, in lieu of onsite inspection, may approve submission by the importer of samples where time, geographical distance, or availability of inspectors prevent a timely onsite inspection, or where tobacco is classified as a "temporary importation under bond" as defined in 19 CFR 10.31 *et seq.* The importer shall certify that sampling was conducted in accordance with procedures approved by the Director. All tobacco inspected by submitted sample is subject to spotchecking at the discretion of the Director. Submitted samples shall be disposed of in a manner approved by the Director unless return of the sample is requested by the importer at the time of submission. Samples will only be returned at the importer's expense.

[49 FR 27468, July 13, 1984]

§ 29.406 Import inspection certificate.

An import inspection certificate shall consist of a certificate issued by the Tobacco Division in a form approved by the Director. A certificate shall be issued to the importer as soon as practicable following the completion of inspection. A separate certificate shall be issued for each lot of tobacco. In case of a lost or destroyed certificate, a duplicate may be issued under the same number, date, and name by an authorized official. Duplicate certificates shall be plainly marked "Duplicate" above the signature of the supervising official who issued it.

[49 FR 27468, July 3, 1984]

§ 29.407 Disposition of import inspection certificate.

The inspector shall provide the importer with the original portion of the certificate and forward the first copy to the Director and the second copy to the appropriate Regional Office. The importer shall retain the original inspection certificate until the lot inspected has been sold, manufactured into products or exported from the United States.

[49 FR 27468, July 3, 1984]

§ 29.425 Submission and disposition of pesticide residues and end user(s) certification.

(a) Completion of certification: The importer shall complete a pesticide residue and end user(s) certification on a form approved by the Director for each lot of flue-cured or burley tobacco, including stems, offered for importation. If the importer is unable to identify the end user(s) or purchasers at the time of importation, an amended certification shall be executed within 30 days or at such time as the end user(s) or subsequent purchasers can be identified for any portion of the lot. Subsequent purchasers or end users so identified shall also complete an end user(s) certification until the tobacco is used in the manufacture of tobacco products or is reexported.

(b) Disposition of copies: The importer shall deliver the original and first copy to the inspector at the time the tobacco is inspected under the provisions of §§ 29.400 through 29.407. Subsequent purchasers or end users and importers submitting amended forms shall mail the original and first copy to Director, Tobacco Division, AMS, USDA, Washington, DC 20250.

(c) The information collection and recordkeeping requirements contained in this section have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control number 0581-0056.

[51 FR 30198, Aug. 22, 1986]

§ 29.426 Collection of pesticide test samples.

Any lot of tobacco not certified by the importer as being free of prohibited pesticide residues shall be sampled in sufficient detail to determine whether the lot conforms with the pesticide residue standards. Lots of imported tobacco certified by the importer shall be sampled on a random basis and tested to determine whether they conform with the pesticide residue standards.

[51 FR 30199, Aug. 22, 1986]

§ 29.427 Pesticide residue standards.

The maximum concentration of residues of the following pesticides allowed in flue-cured or burley tobacco, expressed as parts by weight of the residue per one million parts by weight of the tobacco (ppm) are:

CHLORDANE	3.0
DIBROMOCHLOROPROPANE (DBCP)	1.0
DICAMBA (Temporary)	5.0
ENDRIN	0.1
ETHYLENE DIBROMIDE (EDB)	0.1
FORMOTHION	0.5
HEXACHLOROBENZENE (HCB)	0.1
METHOXYCHLOR	0.1
TOXAPHENE	0.3
2,4-D (Temporary)	5.0
2,4,5-T	0.1
Sum of ALDRIN and DIELDRIN	0.1
Sum of CYPERMETHRIN and PERMETHRIN (Temporary)	3.0
Sum of DDT, TDE (DDD), and DDE	0.4
Sum of HEPTACHLOR and HEPTACHLOR EPOXIDE	0.1

[54 FR 24663, June 9, 1989; 54 FR 27855, July 3, 1989]

§ 29.428 Identification of sample for testing.

Samples of imported tobacco shall be identified by the inspector on a form approved by the Director. The original and first two copies shall accompany the sample to the designated testing facility. The remaining copy of the identification form will be sent to the Director. Upon the completion of testing the designated facility will complete the form and mail the original and one copy to the Director and retain one copy for their records.

[51 FR 30199, Aug. 22, 1986]

§ 29.429 Disposition of imported tobacco exceeding pesticide residue standards.

Within 10 days of the receipt of test results from pesticide test samples, the Director shall notify the importer or entity responsible for the lot of tobacco of the test results. If the test results indicate that the lot or any portion of the lot contains prohibited pesticide residues, the Director will notify the importer or entity responsible for the affected tobacco and the appropriate U.S. Customs officials that the tobacco cannot enter the United States. The importer or other entity shall notify the Director in writing of the methods by which the tobacco will be disposed of and provide 5 days advance notice of time and place of final disposition. The Department will monitor the disposition procedures to verify that the tobacco has been accurately identified as to lot, kind, type, and grade.

[54 FR 24663, June 9, 1989]

§ 29.430 Appeals.

Appeals of test results for imported tobacco must be made in writing to the Director within 30 days from the receipt of notification. The statement must specify in detail the relief requested. The importer or entity requesting the appeal will bear the cost of any subsequent sampling and testing. Subsequent samples will be selected only from tobacco which is in the original package and from tobacco which has not been mixed, blended, or altered in any manner since the initial sampling.

[51 FR 30199, Aug. 22, 1986]

§ 29.431 Handling of imported tobacco pending test results.

After an individual shipment of imported flue-cured or burley tobacco has been sampled, regardless of whether it is certified as being free from prohibited peticide residues, it must be kept in the original packages, and not be mixed, blended, manipulated, or altered in any manner, or moved, shipped, or transported from the point of entry until it has been determined that the tobacco does not contain prohibited pesticide residues.

[54 FR 24663, June 9, 1989]

§ 29.500 Fees and charges for inspection and testing of imported tobacco.

(a) The fee for inspection of imported tobacco is $.0045 per pound, and shall be paid by the importer. This inspection fee applies to all tobacco imported into the United States except as provided in § 29.400. Fees for services rendered shall be remitted by check or draft in accordance with a statement issued by the Director, and shall be made payable to "Agricultural Marketing Service".

(b) The fee for sampling, testing and certification of imported flue-cured and burley tobacco for prohibited pesticide residues is $.0035 per pound, and shall be paid by the importer. The fee for testing imported flue-cured and burley tobacco not accompanied by a certification that it is free of prohibited pesticide residues shall be an additional $.0035 per pound. The minimum fee assessed pursuant to this paragraph shall be $162.00 per lot. Fees for services rendered shall be remitted by check or draft in accordance with a statement issued by the Director, and shall be made payable to "Agricultural Marketing Service."

[49 FR 27468, July 3, 1984, as amended at 54 FR 18880 May 3, 1989; 55 FR 23699, June 12, 1990]

Subpart C—Standards

Official Standard Grades for Flue-Cured Tobacco (U.S. Types 11, 12, 13, 14 and Foreign Type 92)

Authority: Sections 29.1001 to 29.1225 are issued under sec. 14, 49 Stat. 734, as amended (7 U.S.C. 511m); sec. 213, 97 Stat. 1149 (7 U.S.C. 511r).

Authority: 7 U.S.C. 511b, 511m, and 511r.

Source: 42 FR 21092, Apr. 25, 1977, unless otherwise noted.

DEFINITIONS

§ 29.1001 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.1002 Body.

The thickness and density of a leaf or the weight per unit of surface. (See Elements of Quality Chart.)

§ 29.1003 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.1004 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower position of the stalk normally contain more sand or dirt than those from higher stalk positions. (See Rule 4.)

§ 29.1005 Color.

The third factor of a grade based on the relative hues, saturations or chromas, and color values common to the type.

§ 29.1006 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. (See Elements of Quality Chart.)

§ 29.1007 Color symbols.

As applied to flue-cured tobacco, color symbols are L—lemon, F—orange, FR—orange red, R—red, V—greenish, K—variegated, KR—variegated red or scorched, G—green, GR—green red, GK—green variegated (may be scorched), GG—gray green, KL—variegated lemon, KF—variegated orange, KV—variegated greenish, KM—variegated (scorched) mixed, KD—variegated dark red, and LL—whitish-lemon.

[48 FR 29670, June 28, 1983]

§ 29.1008 Combination symbols.

A color or group symbol used with another symbol to form the third factor of a grademark to denote a particular side or characteristic of the tobacco. As applied to flue-cured tobacco, the combination symbols are XL—lug side, PO—oxidized primings, XO—oxidized lugs or cutters, BO—oxidized leaf or smoking leaf, GL—thin-bodied nondescript, GF—medium-bodied nondescript, LP—lemon (primings side), and FP—orange (primings side), KK-excessively scorched.

[48 FR 29671, June 28, 1983, as amended at 51 FR 25027, July 10, 1986]

§ 29.1009 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.1010 Crude.

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from fire-kill, sunburn, or sunscald. Any leaf which is crude to the extent of 20 percent or more of its surface may be described as crude. (See Rule 20.)

§ 29.1011 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.1012 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 21.)

§ 29.1013 Dirty.

The state of tobacco containing moderate to excessive amounts of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 24.)

§ 29.1014 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched.

§ 29.1015 Elements of quality.

Elements of quality and the degrees used in the specifications of the Official Standard Grades for Flue-cured, U.S. Types 11-14, and Foreign Type 92 are shown in chart form. Words have been selected to describe the degrees of each element.

[42 FR 21092, Apr. 25, 1977, as amended at 49 FR 16755, Apr. 20, 1984]

§ 29.1016 Excessively scorched.

As applied to flue-cured tobacco, the combination symbol "KK" when used as the third factor of a grademark denotes that a lot contains over 50 percent of unripe tobacco.

[51 FR 25027, July 10, 1986]

§ 29.1017 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf.

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

§ 29.1018 Fire-killed.

Any leaf of which 5 percent or more of its surface has a set green color caused by excessive heat in the curing process. Any lot containing 5 percent or more of such tobacco may be described as fire-killed. (See Rule 23.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

§ 29.1019 Flue-cured.

Tobacco cured under artificial atmospheric conditions by a process of regulating the heat and ventilation without allowing smoke or fumes from the fuel to come in contact with the tobacco; or tobacco cured by some other process which accomplishes the same results.

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

§ 29.1020 Foreign matter.

Any extraneous substance or material such as straw, strings, rubber bands, grass, weeds, or an excessive amount of dirt or sand. (See Rule 24.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

§ 29.1021 Form.

The stage or preparation of tobacco such as stemmed or unstemmed.

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

§ 29.1022 Grade.

A subdivision of a type according to group, quality, and color.

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

§ 29.1023 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, B3F means Leaf, good quality, orange color.

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

§ 29.1024 Green (G).

A color term applied to immature or crude tobacco. Any leaf which has a green color affecting 20 percent or more of its surface may be described as green. (See Rule 19.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

§ 29.1025 Greenish (V).

A color term applied to greenish-tinged tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See Rule 18.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

§ 29.1026 Group.

A division of a type covering closely related grades based on certain characteristics which are related to stalk position, body, or the general quality of the tobacco. Groups in Flue-cured, U.S. Types 11-14, and Foreign Type 92 are: Leaf (B), Smoking Leaf (H), Cutters (C), Lugs (X), Primings (P) Mixed (M), Nondescript (N), and Scrap (S).

[52 FR 28533, July 31, 1987]

§ 29.1027 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state, but which is not serious enough to be classified as waste. (See definitions of Damage and Waste; see also Rule 14.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 51 FR 25027, July 10, 1986]

§ 29.1028 Leaf.

Whole, unstemmed leaf. Leaf, when applied to tobacco in strip form, shall describe the divided unit of a whole leaf.

[49 FR 16755, Apr. 20, 1984. Redesignated at 51 FR 25027, July 10, 1986]

§ 29.1029 Leaf scrap.

A byproduct of stemmed and unstemmed tobacco.

[42 FR 21092, Apr. 25, 1977. Redesignated at 49 FR 16755, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1030 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See Elements of Quality Chart.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 49 FR 16755, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1031 Lemon (L).

Yellow.

[42 FR 21092, Apr. 25, 1977. Redesignated at 49 FR 16755, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1032 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. Length, as an element of quality, does not apply to tobacco in strip form.

[42 FR 21092, Apr. 25, 1977. Redesignated and amended at 49 FR 16755, Apr. 20, 1984, and further redesignated at 51 FR 25027, July 10, 1986]

§ 29.1033 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

[42 FR 21092, Apr. 25, 1977. Redesignated at 49 FR 16755, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1034 Maturity.

The degree of ripeness. (See Elements of Quality Chart.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 49 FR 16755, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1035 Mixed color (KM).

Distinctly different colors of the type mingled together. (See Rule 16.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 49 FR 16755, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1036 Mixed Group (M).

This group consists of tobacco from three or more groups or two distinctly different groups which are mixed together in various combinations.

[49 FR 16755, Apr. 20, 1984. Redesignated at 51 FR 25027, July 10, 1986]

§ 29.1037 Nested.

Any lot of Types 11-14 tobacco which has been loaded, packed or arranged to conceal tobacco of inferior grade, quality or condition. Nested includes: (a) Any lot of tobacco which contains injured or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged; (b) Any lot of tobacco which consists of distinctly different grades, qualities or conditions and which is stacked or arranged with the same kinds together so that the tobacco in the lower portions of the lot is distinctly inferior in grade, quality or condition from the tobacco in the top portion of the lot.

[52 FR 28534, July 31, 1987]

§ 29.1038 No-G.

A designation applied to a lot of tobacco which is offtype, semicured, firekilled, smoked, oxidized over 10 percent, or has an odor foreign to the type. (See Rule 23.)

[47 FR 51721, Nov. 17, 1982. Redesignated at 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1039 No-G-F.

A designation applied to a lot of tobacco that contains stalks, suckers, or foreign matter. (See Rule 24.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1040 No-G-Nested.

A designation applied to a lot of Types 11-14 tobacco which is classified as nested. (See Rule 27.)

[47 FR 51721, Nov. 17, 1982. Redesignated at 48 FR 29671, June 28, 1983. Redesignated and amended at 49 FR 16756, Apr. 20, 1984, and further redesignated at 51 FR 25027, July 10, 1986]

§ 29.1041 Oil.

A soft, semifluid constituent of tobacco. (See Elements of Quality Chart.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1042 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Flue-cured, U.S. Types 11-14 or Foreign Type 92. (See Rule 23.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, and at 48 FR 29671, June 28, 1983. Redesignated and amended at 49 FR 16756, Apr. 20, 1984, and further redesignated at 51 FR 25027, July 10, 1986]

§ 29.1043 Orange (F).

A reddish yellow.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1044 Orange Red (FR).

A yellowish red.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1045 Order (case).

The state of tobacco with respect to its moisture content.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1046 Oxidized (O).

A term applied to tobacco that has deteriorated and turned black during the curing process. Any leaf of which

10 percent or more of its surface has been blackened during the curing process may be described as oxidized. Oxidized tobacco is also known as barn scald or barn rot. (See Rules 23 and 25.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1047 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1048 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1049 Papery.

A term used to describe thin-bodied, oilless tobacco usually associated with whitish-lemon color.

[51 FR 25027, July 10, 1986; 51 FR 28687, Aug. 11, 1986]

§ 29.1050 Prematurity.

A condition of growth and development characteristic of the lower leaves of the tobacco plant. Premature leaves have some appearance of ripeness due to a process of starvation caused by translocation of plant food elements from these leaves to other leaves higher on the stalk.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1051 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements o quality.

[42 FR 21092, Apr. 25, 1977. Redesignated a 47 FR 51721, Nov. 17, 1982, 48 FR 29671 June 28, 1983, 49 FR 16756, Apr. 20, 1984 and 51 FR 25027, July 10, 1986]

§ 29.1052 Raw.

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1053 Red (R).

A brownish red.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1054 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, swelled stems, frozen tobacco, frozen stems, or stems that have not been thoroughly dried in the curing process. (See Rule 23.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1055 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1056 Slick.

A term used to denote tobacco having a close or tight leaf structure. Any leaf of lemon or orange color of which 20 percent or more of its surface is close or tight may be described as slick. (See Rule 17.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1057 Smoked.

Any tobacco affected by smoke or fumes in the curing process. (See Rule 23.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1058 Sound.

Free of damage.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1059 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See Rules 10, 21, 22, 26, and 28.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, and at 48 FR 29671, June 28, 1983. Redesignated and amended at 49 FR 16756, Apr. 20, 1984, and further redesignated at 51 FR 25027, July 10, 1986]

§ 29.1060 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1061 Stem.

The midrib or large central vein of a tobacco leaf.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1062 Stemmed.

A form of tobacco, including strips or strip scrap, from which the stems or midribs have been removed.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1063 Strips.

The sides of a tobacco leaf from which the stem has been removed from a lot of tobacco composed of strips.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1064 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition sometimes is described as aged.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1065 Sweating.

The condition of tobacco in the process of fermentation.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1066 Symbol (S).

As applied to Flue-cured tobacco the symbol (S) when used (a) as the third factor of a grademark, denotes slick, unripe tobacco in lemon or orange color, and (b) when used preceding a grademark, denotes tobacco in strip form. (See Rules 17 and 28.)

[49 FR 16756, Apr. 20, 1984. Redesignated at 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1067 Tobacco.

Tobacco as it appears between the time it is primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, threshing, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semi-manufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, and at 48 FR 29671, June 28, 1983. Redesignated and amended at 49 FR 16756, Apr. 20, 1984, and further redesignated at 51 FR 25027, July 10, 1986]

§ 29.1068 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1069 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1070 Type 11.

That type of flue-cured tobacco commonly known as Western Flue-cured or Old Belt and Middle Belt Flue-cured, produced principally in the Piedmont sections of Virginia and North Carolina and the district extending eastward to the coastal plains region. That portion of this type known as Old Belt Flue-cured, normally characterized by a heavier body and darker color shade and produced principally in the Piedmont sections of Virginia and North Carolina, may be classified as Type 11a; and that portion of the type known as Middle Bélt Flue-cured, normally characterized by a thinner body and lighter color shade and produced principally in a section lying between the Piedmont and coastal plains regions of Virginia and North Carolina, may be classified as Type 11b.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1071 Type 12.

That type of flue-cured tobacco commonly known as Eastern Flue-cured or Eastern Carolina Flue-cured, produced principally in the coastal plains section of North Carolina, north of the South River.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671 June 28, 1983, 49 FR 16756, Apr. 20, 1984 and 51 FR 25027, July 10, 1986]

§ 29.1072 Type 13.

That type of flue-cured tobacco commonly known as Southeastern Flue-cured or South Carolina Flue-cured, produced principally in the coastal plains section of South Carolina and the southeastern counties of North Carolina, south of the South River.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1073 Type 14.

That type of flue-cured tobacco commonly known as Southern Flue-cured, produced principally in the southern section of Georgia, in northern Florida, and to some extent in Alabama.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1074 Type 92.

That type of flue-cured tobacco commonly known as Foreign-grown Flue-cured, produced in countries other than the United States.

[49 FR 16756, Apr. 20, 1984. Redesignated at 51 FR 25027, July 10, 1986]

§ 29.1075 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1076 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed as a percentage in grade specifications. (See Rule 13.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1077 Unsound (U).

Damaged. (See Rule 21.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1078 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1079 Variegated (K).

Any tobacco that does not blend with the normal colors of the types; any leaf of which 20 percent or more of its surface is grayish, mottled, bleached, doty-faced, scalded, or sunbaked. (See Rule 15.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 48 FR 29671, June 28, 1983, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1080 Variegated dark red (KD).

A dark brownish-red discoloration which usually results from excessive sunbaking during the growing process or from storing cured tobacco over extended periods of time. Any leaf of which 20 percent or more of its surface is dark brownish-red may be described as variegated dark red.

[48 FR 29671, June 28, 1983. Redesignated at 49 FR 16756, Apr. 20, 1984 and 51 FR 25027, July 10, 1986]

§ 29.1081 Variegated red or scorched (KR).

A red discoloration which usually results from excessive heat in the curing process. Any leaf of which 20 percent or more of its surface has been reddened in the curing process may be described as variegated red or scorched. (See Rule 16.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1082 Waste.

The portion or portions of the web of tobacco leaves which have been lost or rendered less serviceable for use in tobacco products, including:

(a) Portions which have decomposed or largely decomposed by field diseases and field-firing, pole-burning, bulk-burning; (b) portions which are dead, lifeless, and do not have sufficient strength or stability to hold together in the normal manufacturing process due to excessive injury of any kind.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1083 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 22.)

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, 49 FR 16756, Apr. 20, 1984, and 51 FR 25027, July 10, 1986]

§ 29.1084 Whitish-lemon (LL).

A whitish-yellow color which usually results during wet growing seasons when rain leaches or washes out the yellow color from the leaf. Any leaf of which 20 percent or more of its leaf surface has whitish-yellow color may be described as whitish-lemon.

[48 FR 29671, June 28, 1983. Redesignated at 49 FR 16756, Apr. 20, 1984 and 51 FR 25027, July 10, 1986]

§ 29.1085 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. Width, as an element of quality, does not apply to tobacco in strip form. (See Elements of Quality Chart.)

Elements			Degrees		
Maturity	Immature	Unripe	Mature	Ripe	Mellow.
Leaf structure	Tight	Close	Firm	Open	
Body	Heavy	Fleshy	Medium	Thin	
Oil	Lean	Oily	Rich		
Color intensity	Pale	Weak	Moderate	Strong	Deep.
Width	Stringy	Narrow	Normal	Spready	
Length		(1)	(1)	(1)	
Uniformity		(2)	(2)	(2)	
Injury tolerance		(2)	(2)	(2)	
Waste tolerance		(2)	(2)	(2)	

[1] Expressed in inches.

[2] Expressed in percentage.

[42 FR 21092, Apr. 25, 1977. Redesignated at 47 FR 51721, Nov. 17, 1982, and at 48 FR 29671, June 28, 1983. Redesignated and amended at 49 FR 16756, Apr. 20, 1984, and further redesignated at 51 FR 25027, July 10, 1986]

ELEMENTS OF QUALITY

§ 29.1101 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value, but the actual value of each degree varies with group.

RULES

§ 29.1106 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.1107 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.1108 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.1109 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.1110 Rule 4.

All standard grades must be clean unless otherwise noted by a special factor.

§ 29.1111 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.1112 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.1113 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.1114 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.1115 Rule 9.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.1116 Rule 10.

Any special factor approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

[42 FR 21092, Apr. 25, 1977, as amended at 49 FR 16756, Apr. 20, 1984]

§ 29.1117 Rule 11.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Marketing Programs Branch and approved by the Director.

§ 29.1118 Rule 12.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.1119 Rule 13.

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. (These percentages shall not affect limitations established by other rules.) The minor portion must be closely related, but may be of a different group, quality, and color from the major portion.

§ 29.1120 Rule 14.

The application of injury tolerance as an element of quality shall be expressed in terms of a percentage. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group as related to injury.

§ 29.1121 Rule 15.

Any lot of tobacco containing 20 percent or more of variegated tobacco other than variegated red or scorched shall be described as variegated and designated by the color symbol "K," "KL," "KF," "KD," or "KV."

[42 FR 21092, Apr. 25, 1977, as amended at 48 FR 29671, June 28, 1983]

§ 29.1122 Rule 16.

Any lot of ripe tobacco which contains 20 percent or more of variegated red or scorched tobacco shall be designated by the color symbol "KR." Any lot of unripe tobacco which is under 20 percent greenish or green but which contains 20 percent or more of scorched tobacco, or any lot of tobacco which contains 20 percent or more of a color distinctly different from the major color shall be classified as mixed color and designated by the color symbol "KM". Any lot of unripe tobacco in the C, or B groups which is under 20 percent greenish or green but which contains 50 percent or more of scorched tobacco shall be classified as excessively scorched and designated by the combination symbol "KK".

[42 FR 21092, Apr. 25, 1977, as amended at 51 FR 25028, July 10, 1986]

§ 29.1123 Rule 17.

Any lot of lemon, or orange colored tobacco containing over 20 percent of slick tobacco shall be designated by the symbol "S" in the X, C, or B groups.

§ 29.1124 Rule 18.

Any lot of mature tobacco in lemon or orange color containing 20 percent or more of greenish tobacco, or any lot which is not green but which contains 20 pereent or more of greenish and green tobacco combined shall be designated by the color symbol "V."

§ 29.1125 Rule 19.

Any lot of tobacco containing 20 percent or more of green tobacco, or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbols "G," "GR," "GK," "GG," or the combination symbols "GL," or "GF."

§ 29.1126 Rule 20.

Crude tobacco shall not be included in any grade of any color except green, green red, green variegated, gray green, or the combination symbols "GL," or "GF" in the nondescript group. Any lot containing 20 percent or more of crude tobacco shall be classified as nondescript.

§ 29.1127 Rule 21.

Damaged tobacco which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "U" after the grademark.

§ 29.1128 Rule 22.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "W" after the grademark.

§ 29.1129 Rule 23.

Tobacco shall be designated by the grademark "No-G," when it is offtype, semicured, fire-killed, smoked, oxidized over 10 percent, or has an odor foreign to the type.

[47 FR 51721, Nov. 17, 1982]

§ 29.1130 Rule 24.

Tobacco shall be designated by the grademark, "No-G-F," when it contains stalks, suckers, or foreign matter such as straw, strings, rubber bands, grass, weeds, or an excessive amount of dirt or sand.

§ 29.1131 Rule 25.

Any lot of tobacco containing 10 percent or less of oxidized tobacco, except as provided in rule 12, shall be designated by the combination symbols "PO," "XO," or "BO." Crude or green tobacco containing 10 percent or less of oxidized shall be grade "N2."

§ 29.1132 Rule 26.

Tobacco that contains a moderate amount of dirt or sand, but which otherwise meets the specifications of any Primings grade, including the first quality Nondescript from the Primings group, shall be designated by placing the special factor, "dirt" or "sand" after the grademark.

§ 29.1133 Rule 27.

Tobacco in Types 11-14 shall be designated by the grademark "No-G-Nested" when it is nested.

[47 FR 51721, Nov. 17, 1982, as amended at 49 FR 16756, Apr. 20, 1984]

§ 29.1134 Rule 28.

Tobacco in strip form which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "S" preceding the grademark.

[49 FR 16756, Apr. 20, 1984]

GRADES

§ 29.1161 [Reserved]

§ 29.1162 Leaf (B Group).

This group consists of leaves normally grown at or above the midportion of the stalk. Leaves of the B group have a pointed tip, tend to fold, usually are heavier in body than the other groups, and show little or no ground injury.

Grades, Grade Names, Minimum Specifications, and Tolerances

B1L—Choice Quality Lemon Leaf

Ripe, firm leaf structure, medium body, rich in oil, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

B2L—Fine Quality Lemon Leaf

Ripe, firm leaf structure, medium body, rich in oil, deep color intensity, normal width, 18 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

B3L—Good Quality Lemon Leaf

Ripe, firm leaf structure, medium body, oily, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4L—Fair Quality Lemon Leaf

Ripe, firm leaf structure, medium body, only, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5L—Low Quality Lemon Leaf

Ripe, firm leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6L—Poor Quality Lemon Leaf

Ripe, firm leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B1F—Choice Quality Orange Leaf

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

B2F—Fine Quality Orange Leaf

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, normal width, 18 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

B3F—Good Quality Orange Leaf

Ripe, firm leaf structure, fleshy, oily, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4F—Fair Quality Orange Leaf

Ripe, firm leaf structure, fleshy, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5F—Low Quality Orange Leaf

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6F—Poor Quality Orange Leaf

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B1FR—Choice Quality Orange Red Leaf

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

B2FR—Fine Quality Orange Red Leaf

Ripe, firm leaf structure, fleshy, rich in oil, deep color intensity, normal width, 18 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

B3FR—Good Quality Orange Red Leaf

Ripe, firm leaf structure, fleshy, oily, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4FR—Fair Quality Orange Red Leaf

Ripe, firm leaf structure, fleshy, oily, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5FR—Low Quality Orange Red Leaf

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6FR—Poor Quality Orange Red Leaf

Ripe, firm leaf structure, fleshy, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B5R—Low Quality Red Leaf

Ripe, firm leaf structure, heavy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B3K—Good Quality Variegated Leaf

Ripe, firm leaf structure, fleshy, oily, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4K—Fair Quality Variegated Leaf

Ripe, firm leaf structure, fleshy, lean in oil, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5K—Low Quality Variegated Leaf

Ripe, firm leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6K—Poor Quality Variegated Leaf

Ripe, firm leaf structure, fleshy, lean in oil, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B3KR—Good Quality Variegated Red or Scorched Leaf

Ripe, firm leaf structure, fleshy, oily, normal width, 16 inches or over in length.

Uniformity, 80 percent; injury tolerance 15 percent.

B4KR—Fair Quality Variegated Red or Scorched Leaf

Ripe, firm leaf structure, fleshy, lean in oil, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5KR—Low Quality Variegated Red or Scorched Leaf

Ripe, firm leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B3V—Good Quality Greenish Leaf

Mature, firm leaf structure, fleshy, oily, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance 15 percent.

B4V—Fair Quality Greenish Leaf

Mature, firm leaf structure, fleshy, oily, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5V—Low Quality Greenish Leaf

Mature, firm leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B3KL—Good Quality Variegated Lemon Leaf

Unripe, close leaf structure, heavy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4KL—Fair Quality Variegated Lemon Leaf

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent of which not over 5 percent may be waste.

B5KL—Low Quality Variegated Lemon Leaf

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6KL—Poor Quality Variegated Lemon Leaf

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B3KF—Good Quality Variegated Orange Leaf

Unripe, close leaf structure, heavy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4KF—Fair Quality Variegated Orange Leaf

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5KF—Low Quality Variegated Orange Leaf

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6KF—Poor Quality Variegated Orange Leaf

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B3KD—Good Quality Variegated Dark Red Leaf

Unripe, close leaf structure, heavy, normal width, 16 inches (40.6 cm) or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4KD—Quality Variegated Dark Red Leaf

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5KD—Low Quality Variegated Dark Red Leaf

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6KD—Poor Quality Variegated Dark Red Leaf

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B3KM—Good Quality Variegated Mixed Leaf

Unripe, close leaf structure, heavy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4KM—Fair Quality Variegated Mixed Leaf

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5KM—Low Quality Variegated Mixed Leaf

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6KM—Poor Quality Variegated Mixed Leaf

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B3KK Good Quality Excessively Scorched Leaf

Unripe, close leaf structure, heavy, normal width, 16 inches (40.6 cm) or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4KK Fair Quality Excessively Scorched Leaf

Unripe, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5KK Low Quality Excessively Scorched Leaf

Unripe, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6KK Poor Quality Excessively Scorched Leaf

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B4KV—Fair Quality Variegated Greenish Leaf

Unripe, firm leaf structure, medium body, normal width. Uniformity, 70 percent; tolerance, 25 percent waste.

B5KV—Low Quality Variegated Greenish Leaf

Unripe, firm leaf structure, medium body, narrow. Uniformity, 70 percent; tolerance, 30 percent waste.

B6KV—Poor Quality Variegated Greenish Leaf

Unripe, firm leaf structure, medium body, stringy. Uniformity, 70 percent; tolerance, 40 percent waste.

B3S—Good Quality Slick Leaf

Unripe, close leaf structure, fleshy, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4S—Fair Quality Slick Leaf

Unripe, close leaf structure, fleshy, normal width. Uniformity, 70 percent; injury tolerance, 20 percent, of which not over 5 percent may be waste.

B5S—Low Quality Slick Leaf

Unripe, tight leaf structure, fleshy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B4G—Fair Quality Green Leaf

Immature, close leaf structure, fleshy, oily, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5G—Low Quality Green Leaf

Immature, tight leaf structure, fleshy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6G—Poor Quality Green Leaf

Immature, tight leaf structure, fleshy, lean in oil, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B5GR—Low Quality Green Red Leaf

Immature, tight leaf structure, heavy, lean in oil, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B4GK—Fair Quality Green Variegated Leaf

Immature, close leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5GK—Low Quality Green Variegated Leaf

Immature, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6GK—Poor Quality Green Variegated Leaf

Immature, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

B5GG—Low Quality Gray Green Leaf

Immature, tight leaf structure, heavy, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

[42 FR 21092, Apr. 25, 1977, as amended at 48 FR 29671, June 28, 1983; 49 FR 16756, Apr. 20, 1984; 51 FR 25028, July 10, 1986]

§ 29.1163 Smoking Leaf (H Group).

This group consists of leaves normally grown at or above the midportion of the stalk. Leaves of the H group show a high degree of maturity, more open leaf structure in relation to the B Group, and a material amount of injury characteristic of very ripe leaf tobacco.

Grades, Grade Names, Minimum Specifications, and Tolerances

H3F—Good Quality Orange Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, strong color intensity, normal width, 16 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

H4F—Fair Quality Orange Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

H5F—Low Quality Orange Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

H6F—Poor Quality Orange Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

H4FR—Fair Quality Orange Red Smoking Leaf

Mellow, open leaf structure, fleshy, lean in oil, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

H5FR—Low Quality Orange Red Smoking Leaf

Mellow, open leaf structure, fleshy, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

H6FR—Poor Quality Orange Red Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

H4K—Fair Quality Variegated Smoking Leaf

Mellow, open leaf structure, medium body, lean in oil, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

H5K—Low Quality Variegated Smoki Leaf

Mellow, open leaf structure, mediu body, lean in oil, weak color intensit narrow. Uniformity, 70 percent; injury tole ance 30 percent, of which not over 10 pe cent may be waste.

H6K—Poor Quality Variegated Smoki Leaf

Mellow, open leaf structure, mediu body, lean in oil, weak color intensit stringy. Uniformity, 70 percent; injury tole ance 40 percent, of which not over 20 pe cent may be waste.

[42 FR 21092, Apr. 25, 1977, as amended 48 FR 29671, June 28, 1983; 49 FR 1675 Apr. 20, 1984; 51 FR 25028, July 10, 1986]

§ 29.1164 Cutters (C Group).

This group consists of leaves norma ly grown at or just below the midpo tion of the stalk. Leaves of the group have a tendency to roll conceal ing the stem or midrib. Cutters usuall have a rounded tip, are thin t medium in body, and show som ground injury.

Grades, Grade Names, Minimum Specif cations, and Tolerances

C1L—Choice Quality Lemon Cutters

Ripe, open leaf structure, medium bod oily, deep color intensity, spready, 20 inche or over in length. Uniformity, 90 percen injury tolerance, 5 percent.

C2L—Fine Quality Lemon Cutters

Ripe, open leaf structure, thin, oily, dee color intensity, spready, 20 inches or over i length. Uniformity, 85 percent; injury tole ance, 10 percent.

C3L—Good Quality Lemon Cutters

Ripe, open leaf structure, thin, oil strong color intensity, spready, 18 inches o over in length. Uniformity, 80 percen injury tolerance, 15 percent.

C4L—Fair Quality Lemon Cutters

Ripe, open leaf structure, thin, lean in oi moderate color intensity, normal width, 1 inches or over in length. Uniformity, 70 pe cent; injury tolerance 20 percent, of whic not over 5 percent may be waste.

C5L—Low Quality Lemon Cutters

Ripe, open leaf structure, thin, lean in oi weak color intensity, normal width, 1 inches or over in length. Uniformity, 70 pe cent; injury tolerance 30 percent, of whic not over 10 percent may be waste.

C4LL—Fair Quality Whitish-Lemon Cutters

Unripe, firm leaf structure, thin (papery), lean in oil, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C5LL Low Quality Whitish-Lemon Cutters

Unripe, firm leaf structure, thin (papery), lean in oil, normal width, 16 inches (40.6 cm) or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

C5LP—Low Quality Lemon Cutters (Primings Side)

Prematurely ripe, open leaf structure, thin, lean in oil, pale color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

C1F—Choice Quality Orange Cutters

Ripe, open leaf structure, medium body, oily, deep color intensity, spready, 20 inches or over in length. Uniformity, 90 percent; injury tolerance, 5 percent.

C2F—Fine Quality Orange Cutters

Ripe, open leaf structure, medium body, oily, deep color intensity, spready, 20 inches or over in length. Uniformity, 85 percent; injury tolerance, 10 percent.

C3F—Good Quality Orange Cutters

Ripe, open leaf structure, medium body, oily, strong color intensity, spready, 18 inches or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

C4F—Fair Quality Orange Cutters

Ripe, open leaf structure, medium body, lean in oil, moderate color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C5F—Low Quality Orange Cutters

Ripe, open leaf structure, medium body, lean in oil, weak color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

C5FP—Low Quality Orange Cutters (Primings Side)

Prematurely ripe, open leaf structure, medium body, lean in oil, pale color intensity, normal width, 16 inches or over length. Uniformity, 70 percent; injury tolerance 30 percent, or which not over 10 percent may be waste.

C4KR—Fair Quality Variegated Red or Scorched Cutters

Ripe, open leaf structure, medium body, lean in oil, moderate color intensity, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4V—Fair Quality Greenish Cutters

Mature, open leaf structure, medium body, lean in oil, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4KL—Fair Quality Variegated Lemon Cutters

Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4KF—Fair Quality Variegated Orange Cutters

Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4KM—Fair Quality Variegated Mixed Cutters

Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4KK Fair Quality Excessively Scorched Cutters

Unripe, close leaf structure, medium body, normal width, 16 inches (40.6 cm) or over in length. Uniformity, 70 percent; injury tolerance, 20 percent, of which not over 5 percent may be waste.

C4S—Fair Quality Slick Cutters

Unripe, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4G--Fair Quality Green Cutters

Immature, close leaf structure, medium body, lean in oil, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

C4GK—Fair Quality Green Variegated Cutters

Immature, close leaf structure, medium body, normal width, 16 inches or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

[42 FR 21092, Apr. 25, 1977, as amended at 48 FR 29671, June 28, 1983; 49 FR 16756, Apr. 20, 1984; 51 FR 25028, July 10, 1986]

§ 29.1165 Lugs (X Group).

This group consists of leaves normally grown near the bottom of the stalk. Leaves of the X group usually have a blunt tip and open face; they show some ground injury characteristic of the group.

Grades, Grade Names, Minimum Specifications, and Tolerances

X1L—Choice Quality Lemon Lugs

Ripe, open leaf structure, thin, oily, strong color intensity. Uniformity, 80 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

X2L—Fine Quality Lemon Lugs

Ripe, open leaf structure, thin, oily, strong color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste.

X3L—Good Quality Lemon Lugs

Ripe, open leaf structure, thin, lean in oil, moderate color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4L—Fair Quality Lemon Lugs

Ripe, open leaf structure, thin, lean in oil, weak color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

X5L—Low Quality Lemon Lugs

Ripe, open leaf structure, thin, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.

X3LL Good Quality Whitish-Lemon Lugs

Unripe, firm leaf structure, thin (papery), lean in oil. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4LL—Fair Quality Whitish-Lemon Lugs

Unripe, firm leaf structure, thin (papery), lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

X1F—Choice Quality Orange Lugs

Ripe, open leaf structure, medium body, oily, strong color intensity. Uniformity, 80 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

X2F—Fine Quality Orange Lugs

Ripe, open leaf structure, medium body, oily, strong color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste.

X3F—Good Quality Orange Lugs

Ripe, open leaf structure, medium body, lean in oil, moderate color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4F—Fair Quality Orange Lugs

Ripe, open leaf structure, medium body, lean in oil, weak color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

X5F—Low Quality Orange Lugs

Ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.

X3KR—Good Quality Variegated Red or Scorched Lugs

Ripe, open leaf structure, medium body, lean in oil, moderate color intensity. Uniformity, 70 percent, injury tolerance 40 percent, of which not over 20 percent may be waste.

X4KR—Fair Quality Variegated Red or Scorched Lugs

Ripe, open leaf structure, medium body, lean in oil, weak color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

X3V—Good Quality Greenish Lugs

Mature, open leaf structure, medium body, lean in oil. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4V—Fair Quality Greenish Lugs

Mature, open leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

X4KL—Fair Quality Variegated Lemon Lugs

Unripe, close leaf structure, thin. Uniformity, 70 percent; tolerance, 30 percent waste.

X4KF—Fair Quality Variegated Orange Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

X4KV—Fair Quality Variegated Greenish Lugs

Unripe, firm leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

X3KM—Good Quality Variegated Mixed Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4KM—Fair Quality Variegated Mixed Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

X3S—Good Quality Slick Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

X4S—Fair Quality Slick Lugs

Unripe, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

X4G—Fair Quality Green Lugs

Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

X5G—Low Quality Green Lugs

Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 40 percent waste.

X4GK—Fair Quality Green Variegated Lugs

Immature, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

[42 FR 21092, Apr. 25, 1977, as amended at 48 FR 29671, June 28, 1983; 49 FR 16756, Apr. 20, 1984; 51 FR 25028, July 10, 1986]

§ 29.1166 Primings (P Group).

This group consists of round-tipped leaves from the lowest portion of the stalk. Leaves of the P group ripen prematurely as a result of starvation and show a material amount of injury characteristic of leaves grown close to the ground.

Grades, Grade Names, Minimum Specifications, and Tolerances

P2L—Fine Quality Lemon Primings

Prematurely ripe, open leaf structure, thin, oily, moderate color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste.

P3L—Good Quality Lemon Primings

Prematurely ripe, open leaf structure, thin, lean in oil, weak color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

P4L—Fair Quality Lemon Primings

Prematurely ripe, open leaf structure, thin, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

P5L—Low Quality Lemon Primings

Prematurely ripe, open leaf structure, thin, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.

P2F—Fine Quality Orange Primings

Prematurely ripe, open leaf structure, medium body, oily, moderate color intensity. Uniformity, 75 percent; injury tolerance 25 percent, of which not over 10 percent may be waste.

P3F—Good Quality Orange Primings

Prematurely ripe, open leaf structure, medium body, lean in oil, weak color intensity. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

P4F—Fair Quality Orange Primings

Prematurely ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 30 percent waste.

P5F—Low Quality Orange Primings

Prematurely ripe, open leaf structure, medium body, lean in oil, pale color intensity. Uniformity, 70 percent; tolerance, 40 percent waste.

P4G—Fair Quality Green Primings

Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 30 percent waste.

P5G—Low Quality Green Primings

Immature, firm leaf structure, medium body, lean in oil. Uniformity, 70 percent; tolerance, 40 percent waste.

[42 FR 21092, Apr. 25, 1977, as amended at 49 FR 16756, Apr. 20, 1984]

§ 29.1167 Mixed (M Group).

This group consists of tobacco from three or more groups or two distinctly different groups which are mixed together in various combinations.

Grades, Grade Names, Minimum Specifications, and Tolerances

M4F—Fair Quality Mixed Groups

Ripe, firm leaf structure, heavy, lean in oil. Injury tolerance 30 percent, of which not over 10 percent may be waste.

M5F—Low Quality Mixed Groups

Ripe, firm leaf structure, heavy, lean in oil. Injury tolerance 40 percent, of which not over 20 percent may be waste.

M4KR—Fair Quality Variegated Red or Scorched Mixed Groups

Ripe, firm leaf structure, fleshy, lean in oil. Injury tolerance 30 percent, of which not over 10 percent may be waste.

M4KM—Fair Quality Variegated Mixed Groups

Unripe, close leaf structure, heavy. Injury tolerance 30 percent, of which not over 10 percent may be waste.

M5KM—Low Quality Variegated Mixed Groups

Unripe, tight leaf structure, heavy. Injury tolerance 40 percent, of which not over 20 percent may be waste.

M4GK—Fair Quality Green Variegated Mixed Groups

Immature, close leaf structure, heavy. Injury tolerance 30 percent, of which not over 10 percent may be waste.

M5GK—Low Quality Green Variegated Mixed Groups

Immature, tight leaf structure, heavy. Injury tolerance, 40 percent, of which not over 20 percent may be waste.

[49 FR 16756, Apr. 20, 1984]

§ 29.1168 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except Scrap.

Grades, Grade Names, Minimum Specifications, and Tolerances

N1L—
Best Nondescript from the P Group
Tolerance: 50 percent waste.

N1XL—
Best Nondescript from the X Group
Tolerance: 50 percent waste.

N1K—
Best Nondescript from the B or H Groups
Tolerance: 50 percent injury or waste.

N1R—
Best, Heavy, Dark-colored Nondescript from the B Group
Tolerance: 50 percent injury or waste.

N1KV—
Best, Variegated, Medium-bodied Greenish Nondescript from the B Group
Tolerance: 50 percent waste.

N1GL—
Best, Thin, Crude Green Nondescript from the P or X Groups
Tolerance: 50 percent crude or waste.

N1GF—
Best, Fleshy, Medium-colored, Crude Green Nondescript from the B Group
Tolerance: 50 percent crude, injury or waste.

N1GR—
Best, Heavy, Dark-colored, Crude Green Nondescript from the B Group
Tolerance: 50 percent crude, injury or waste.

N1GG—
Best, Crude, Gray Green Nondescript from the B Group
Tolerance: 50 percent crude, injury or waste.

N1PO—
Oxidized Tobacco from the P Group
Tolerance: 50 percent waste.

N1XO—
Oxidized Tobacco from the X or C Groups
Tolerance: 50 percent waste.

N1BO—
Oxidized Tobacco from the B or H Groups
Tolerance: 50 percent injury or waste.

N2—
Poorest Nondescript of any Group or Color
Tolerance: Over 50 percent crude, injury or waste.
Pursuant to Rule 25, this grade also includes crude or green tobacco containing 10 percent or less of oxidized.

[54 FR 7926, Feb. 24, 1989]

§ 29.1169 Scrap (S Group).

A byproduct of stemmed and unstemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

Grade, Grade Name and Specifications

S—Scrap. Loose, whole, or broken unstemmed leaves; or the web portion of tobacco leaves reduced to scrap by any process.

[42 FR 21092, Apr. 25, 1977, as amended at 49 FR 16756, Apr. 20, 1984]

SUMMARY OF STANDARD GRADES

§ 29.1181 Summary of standard grades.

23 GRADES OF LEAF

B1L	B1F	B1FR		
B2L	B2F	B2FR		
B3L	B3F	B3FR		B3K
B4L	B4F	B4FR		B4K
B5L	B5F	B5FR	B5R	B5K
B6L	B6F	B6FR		B6K

10 Grades of Smoking Leaf

H3F		
H4F	H4FR	H4K
H5F	H5FR	H5K
H6F	H6FR	H6K

10 Grades of Lugs

X1L	X1F
X2L	X2F
X3L	X3F
X4L	X4F
X5L	X5F

10 Grades of Cutters

C1L	C1F
C2L	C2F
C3L	C3F
C4L	C4F
C5L	C5F

8 Grades of Primings

P2L	P2F
P3L	P3F
P4L	P4F
P5L	P5F

6 Grades of Greenish

B3V		X3V
B4V	C4V	X4V
B5V		

20 Grades of Variegated

B3KL	B3KF	B3KD						
B4KL	B4KF	B4KD	B4KV	C4KL	C4KF	X4KL	X4KF	X4KV
B5KL	B5KF	B5KD	B5KV					
B6KL	B6KF	B6KD	B6KV					

7 Mixed Grades

M4F	M4KR	M4KM	M4GK
M5F		M5KM	M5GK

15 Grades of Green

B4G		B4GK		C4G	C4GK	X4G	X4GK	P4G
B5G	B5GR	B5GK	B5GG			X5G		P5G
B6G		B6GK						

7 Grades of Variegated Mixed

B3KM		X3KM
B4KM	C4KM	X4KM
B5KM		
B6KM		

6 Grades of Variegated Red or Scorched

B3KR		X3KR
B4KR	C4KR	X4KR
B5KR		

5 GRADES OF EXCESSIVELY SCORCHED

B3KK
B4KK
B5KK
B6KK
C4KK

6 GRADES OF SLICK

B3S	C4S	X3S
B4S		X4S
B5S		

4 GRADES OF WHITISH-LEMON

X3LL	C4LL
X4LL	C5LL

2 GRADES OF CUTTERS (PRIMINGS SIDE)

C5LP	C5FP

13 GRADES OF NONDESCRIPT

N1L	N1KV	N1GG
N1XL	N1GL	N1PO
N1K	N1GF	N1XO
N1R	N1GR	N1BO
		N2

1 GRADE OF SCRAP

S

Special factors "U" (unsound) and "W" (doubtful-keeping order), and "S" (Strip) may be applied to all grades. The special factors "dirt" or "sand" may be applied to any grade in the Primings group, including first quality Nondescript from the Primings group. Tobacco not covered by the standard grades is designated "No-G," "No-G-F," or "No-G-Nested."

[48 FR 29671, June 28, 1983, as amended at 49 FR 16756, Apr. 20, 1984; 51 FR 25028, July 10, 1986; 52 FR 28534, July 31, 1987]

KEY TO STANDARD GRADEMARKS

§ 29.1225 Key to standard grademarks.

Groups

B—Leaf. H—Smoking Leaf. C—Cutter X—Lugs. P—Primings. M—Mixed Grou N—Nondescript. S—Scrap.

Qualities

1—Choice. 2—Fine. 3—Good. 4—Fair. 5-Low. 6—Poor.

Color Symbols

L—Lemon. LL—Whitish-lemon. P-Orange. FR—Orange red. R—Red. K—Variegated. KR—Variegated red or scorched G—Green. V—Greenish. GR—Green red GK—Green variegated. GG—Gray green KL—Variegated lemon. KF—Variegated orange. KV—Variegated greenish. KM-Variegated mixed. KD—Variegated dark red. LL—Whitish-lemon.

Combination Symbols

XL—Lug side. PO—Oxidized primings XO—Oxidized lugs or cutters. BO—Oxidized leaf or smoking leaf. GL—Thin-bodied nondescript. GF—Medium-bodied nondescript LP—Lemon (primings side). FP—Orange (primings side). KK—Excessively scorched.

Special Symbol

S—Slick.

[42 FR 21092, Apr. 25, 1977, as amended a 48 FR 29672, June 28, 1983; 49 FR 16757 Apr. 20, 1984; 51 FR 25028, July 10, 1986; 5 FR 28534, July 31, 1987]

OFFICIAL STANDARD GRADES FOR VIRGINIA FIRE-CURED TOBACCO (U.S. TYP 21)

AUTHORITY: Sections 29.2251 to 29.2481 issued under 7 U.S.C. 511m and 511r.

SOURCE: Sections 29.2251 through 29.2481 appear at 37 FR 13521, July 11, 1972, unless otherwise noted.

DEFINITIONS

§ 29.2251 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.2252 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.2253 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.2351.)

§ 29.2254 Brown colors.

A group of colors ranging from a reddish brown to yellowish brown. These colors vary from low to medium saturation and from very low to medium brilliance. As used in these standards, the range is expressed as light brown (L), medium brown (F), and dark brown (D).

§ 29.2255 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.2256 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See Rule 4, § 29.2395.)

§ 29.2257 Color.

The third factor of a grade based on the relative hues, saturation or chroma, and color values common to the type.

§ 29.2258 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. It is applicable to brown colors. (See chart, § 29.2351.)

§ 29.2259 Color symbols.

As applied to this type, color symbols are: L—light brown, F—medium brown, D—dark brown, M—mixed or variegated, G—green, GL—light green, and GD—dark green.

[45 FR 47115, July 14, 1980]

§ 29.2260 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.2261 Crude.

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from fire-kill, sunburn, or sunscald. Any leaf which is crude to the extent of 20 percent or more of its surface may be described as crude. (See Rule 19, § 29.2410.)

§ 29.2262 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.2263 Damage.

The effect of mold, must, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 20, § 29.2411.)

§ 29.2264 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 22, § 29.2413.)

§ 29.2265 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See chart, § 29.2351.)

§ 29.2266 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.2351.

§ 29.2267 Fiber.

The term applied to the veins in a tobacco leaf. The large central vein is called the midrib or stem. The smaller lateral and cross veins are considered from the standpoint of size and color.

§ 29.2268 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf. (See chart, § 29.2351.)

§ 29.2269 Fire-cured.

Tobacco cured under artificial atmospheric conditions by the use of open fires from which the smoke and fumes of burning wood are partly absorbed by the tobacco.

§ 29.2270 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, and abnormal amounts of dirt or sand. (See Rule 22, § 29.2413.)

§ 29.2271 Form.

The stage of preparation of tobacco such as unstemmed or stemmed.

§ 29.2272 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.2273 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, B3D means Heavy Leaf, good quality, and darkbrown color.

§ 29.2274 Green (G).

A term applied to green-colored tobacco. Any leaf which has a green color affecting 20 percent or more of its surface may be described as green. (See Rule 18, § 29.2409.)

§ 29.2275 Group.

A division of a type covering closely related grades based on certain characteristics which are usually related to stalk position, body, or the general quality of the tobacco. Groups in this type are Wrappers (A), Heavy Leaf (B), Thin Leaf (C), Lugs (X), Nondescript (N), and Scrap (S).

§ 29.2276 Injury.

Hurt or impairment from any cause except the fungous or bacterial diseases which attack tobacco in its cured state. (See Rule 16, § 29.2407.)

§ 29.2277 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of ta
gled whole or broken leaves.

§ 29.2278 Leaf structure.

The cell development of a leaf as
dicated by its porosity. (See cha
§ 29.2351.)

§ 29.2279 Length.

The linear measurement of cured
bacco leaves from the butt of t
midrib to the extreme tip.

§ 29.2280 Lot.

A pile, basket, bulk, or more th
one bale, case, hogshead, tierce, pac
age, or other definite package unit.

§ 29.2281 Maturity.

The degree of ripeness. (See cha
§ 29.2351.)

§ 29.2282 Mixed color or variegated (M).

Distinctly different colors of t
type mingled together, or any leaf
which 20 percent or more of its su
face is off brown, grayish, mottled,
bleached and does not blend with t
normal colors of the type or grou
(See Rule 17, § 29.2408.)

§ 29.2283 Nested.

Any tobacco which has been loade
packed, or arranged to conceal forei
matter or tobacco of inferior grad
quality, or condition. (See Rule 2
§ 29.2413.)

§ 29.2284 No grade.

A designation applied to a lot of t
bacco classified as nested, offtyp
rework, semicured, or premature pri
ings; tobacco that is damaged 20 pe
cent or more, abnormally dirty, e
tremely wet or watered, contains fo
eign matter, or has an odor foreign
the type. (See Rule 22, § 29.2413.)

§ 29.2285 Offtype.

Tobacco of distinctly different cha
acteristics which cannot be classifie
as Fire-cured, U.S. Type 21. (See Ru
22, § 29.2413.)

§ 29.2286 Oil.

A soft, semifluid constituent of t
bacco. (See chart, § 29.2351.)

§ 29.2287 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.2288 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.2289 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.2290 Premature primings.

Ground leaves harvested before reaching complete growth and development. These leaves lack body and strength. (See Rule 22, § 29.2413.)

§ 29.2291 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

§ 29.2292 Resweated.

The condition of tobacco which has passed through a second fermentation under abnormally high temperatures or refermented with a relatively high percentage of moisture. Resweated includes tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

§ 29.2293 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not packed straight or otherwise not properly prepared for market. (See Rule 22, § 29.2413.)

§ 29.2294 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, or stems that have not been thoroughly dried in the curing process. (See Rule 22, § 29.2413.)

§ 29.2295 Semifired (SF).

Tobacco that is partially or lightly smoked or has not received the amount of smoke that is characteristic of fire-cured tobacco.

[51 FR 40406, Nov. 7, 1986]

§ 29.2296 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristics of tobacco.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2297 Size.

The length of tobacco leaves. (See chart, § 29.2371.)

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2298 Sound.

Free of damage.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2299 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See Rule 10, § 29.2401.)

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2300 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2301 Stem.

The midrib or large central vein of a tobacco leaf.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2302 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2303 Strength.

The stress a tobacco leaf can bear without tearing. (See chart, § 29.2351.)

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2304 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2305 Subgrade.

Any grade modified by a special factor symbol.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2306 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2307 Sweating.

The condition of tobacco in the process of fermentation.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2308 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of st
ming, sweating, and conditioning
not regarded as manufacturing p
esses. Tobacco, as used in these sta
ards, does not include manufactu
or semimanufactured products, ste
cuttings, clippings, trimmings, sifti
or dust.

[37 FR 13521, July 11, 1972. Redesignate
51 FR 40406, Nov. 7, 1986]

§ 29.2309 Tobacco products.

Manufactured tobacco, includ
cigarettes, cigars, smoking toba
chewing tobacco, and snuff.

[37 FR 13521, July 11, 1972. Redesignate
51 FR 40406, Nov. 7, 1986]

§ 29.2310 Type.

A division of a class of toba
having certain common characteris
and closely related grades. Toba
which has the same characteris
and corresponding qualities, col
and lengths is classified as one ty
regardless of any factors of histori
or geographical nature which can
be determined by an examination
the tobacco.

[37 FR 13521, July 11, 1972. Redesignate
51 FR 40406, Nov. 7, 1986]

§ 29.2311 Type 21.

That type of fire-cured toba
known as Virginia Fire-cured or Da
fired, produced principally in the Pi
mont and mountain sections of Vir
ia.

[37 FR 13521, July 11, 1972. Redesignate
51 FR 40406, Nov. 7, 1986]

§ 29.2312 Undried.

The condition of unfermented tob
co which has not been air-dried
steam-dried.

[37 FR 13521, July 11, 1972. Redesignate
51 FR 40406, Nov. 7, 1986]

§ 29.2313 Uniformity.

An element of quality which
scribes the consistency of a lot of
bacco as it is prepared for market. U
formity is expressed as a percentage
grade specifications. (See Rule
§ 29.2406.)

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2314 Unsound (U).

Damaged under 20 percent. (See Rule 20, § 29.2411.)

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2315 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2316 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 21, § 29.2412.) (For extremely wet or watered tobacco, see Rule 22, § 29.2413.)

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2317 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart, § 29.2351.)

[37 FR 13521, July 11, 1972. Redesignated at 51 FR 40406, Nov. 7, 1986]

ELEMENTS OF QUALITY

§ 29.2351 Elements of quality and degrees of each element.

Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees. These degrees are arranged to show their relative value and are used in determining the quality of tobacco. The actual value of each degree varies with group.

Elements	Degrees		
Body	Thin	Medium	Heavy.
Maturity	Immature	Mature	Ripe.
Leaf structure.	Close	Firm	Open.
Oil	Lean	Oily	Rich.
Elasticity	Inelastic	Semielastic	Elastic.
Strength	Weak	Normal	Strong.
Finish	Dull	Clear	Bright.
Color intensity.	Pale	Moderate	Deep.
Width	Narrow	Normal	Spready Broad.

Uniformity. Expressed in percentages.
Injury tolerance. Expressed in percentages.

SIZES

§ 29.2371 Standard sizes.[1]

Inches	Size
12-20	1
20-28	2
Over 28	3

[1] The application of sizes is governed by the major portion of the lot or package.

[51 FR 40406, Nov. 7, 1986]

RULES

§ 29.2391 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.2392 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.2393 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.2394 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, two or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least two breaks from which a representative sample shall be selected.

§ 29.2395 Rule 4.

All standard grades must be clean.

§ 29.2396 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned it shall not thereafter be represented as such grade.

§ 29.2397 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.2398 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.2399 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.2400 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over 1 percent of the tobacco shall be overlooked.

§ 29.2401 Rule 10.

Any special factor symbol approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.2402 Rule 11.

Interpretations, the use of specifications, and the meaning of terms shall
be in accordance with determinati
or clarifications made by the Chief
the Standards and Testing Branch a
approved by the Director.

§ 29.2403 Rule 12.

The use of any grade may be
stricted by the Director during a
marketing season, when it is fou
that the grade is not needed or
pears in insufficient volume to just
its use.

§ 29.2404 Rule 13.

Length shall be stated in connecti
with each grade of the A, B and
groups and may be stated in conn
tion with the grades of other grou
The standard tobacco sizes shall
used.

[51 FR 40406, Nov. 7, 1986]

§ 29.2405 Rule 14.

The standard tobacco size 2 shall
used to designate X group tobacco
M or G color when such tobacco is
inches or over in length.

[51 FR 40406, Nov. 7, 1986]

§ 29.2406 Rule 15.

Uniformity shall be expressed in p
centages. These percentages sh
govern the portion of a lot which m
meet each specification of the gra
The minor portion must be closely
lated but may be of a different gro
quality, and color from the major p
tion. Specified percentages of unifor
ity shall not affect limitations est
lished by other rules.

§ 29.2407 Rule 16.

Injury tolerance shall be express
in percentages. The appraisal of inj
shall be based upon the percentage
affected leaf surface or the degree
injury. In appraising injury, consid
ation shall be given to the nor
characteristics of the group.

§ 29.2408 Rule 17.

Any lot of tobacco of the B, C, or
groups containing over 30 percent
mixed color or variegated leaves
over 30 percent of mixed color a
variegated leaves combined shall

classified as "mixed" and designated by the color symbol "M."

§ 29.2409 Rule 18.

Any lot of tobacco containing 20 percent or more of green leaves or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbols "G", "GL", or "GD".

[45 FR 47115, July 14, 1980]

§ 29.2410 Rule 19.

Crude leaves shall not be included in any grade of any color except green, light green, or dark green. Any lot containing 20 percent or more of crude leaves shall be designated nondescript.

[45 FR 47115, July 14, 1980]

§ 29.2411 Rule 20.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated "No-G."

§ 29.2412 Rule 21.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated "No-G."

§ 29.2413 Rule 22.

Tobacco shall be designated No Grade, using the grademark "No-G," when it is classified as dirty, nested, offtype, semicured, premature primings, damaged 20 percent or more, extremely wet or watered or when it needs to be reworked, contains foreign matter, or has an odor foreign to type.

§ 29.2414 Rule 23.

Tobacco that is semifired but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "SF" after the grademark. This factor does not apply to tobacco designated "No-G".

[51 FR 40406, Nov. 7, 1986]

GRADES

§ 29.2436 Wrappers (A Group).

This group consists of leaves usually grown at or above the center portion of the stalk. Cured leaves of the A group show a low percentage of injury affecting wrapper yield. Wrappers are high in oil, very elastic, and have a smooth leaf surface.

U.S. grades	*Grade names and specifications*
A1F	Choice Medium-brown Wrappers. Medium body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
A2F	Fine Medium-brown Wrappers. Medium body, ripe, firm, rich in oil, elastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
A1D	Choice Dark-brown Wrappers. Heavy, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
A2D	Fine Dark-brown Wrappers. Heavy, ripe, firm, rich in oil, elastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.

§ 29.2437 Heavy Leaf (B Group).

This group consists of leaves usually grown at or above the center portion of the stalk. These leaves have a pointed tip, tend to fold, are heavier in body than those of the X or C groups, and show no ground injury. Choice- and fine-quality leaves of this group have a distinctive, smooth leaf surface.

U.S. grades	*Grade names and specifications*
B1F	Choice Medium-brown Heavy Leaf. Medium body, ripe, firm, oily, semi-elastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
B2F	Fine Medium-brown Heavy Leaf. Medium body, ripe, firm, oily, semi-elastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
B3F	Good Medium-brown Heavy Leaf.

U.S. grades	*Grade names and specifications*
	Medium body, mature, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4F	Fair Medium-brown Heavy Leaf. Medium body, mature, close, lean in oil, inelastic, weak, dull-finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5F	Low Medium-brown Heavy Leaf. Medium body, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
B1D	Choice Dark-brown Heavy Leaf. Heavy, ripe, firm, oily, semielastic, strong, bright finish, deep color intensity, spready, 95 percent uniform, and 5 percent injury tolerance.
B2D	Fine Dark-brown Heavy Leaf. Heavy, ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
B3D	Good Dark-brown Heavy Leaf. Heavy, mature, firm, oily, semi-elastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4D	Fair Dark-brown Heavy Leaf. Heavy, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5D	Low Dark-brown Heavy Leaf. Heavy, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3M	Good Mixed Color Heavy Leaf. Medium to heavy body, mature, firm, oily, semielastic, normal strength and width, 80 percent uniform, and 20 percent injury tolerance.
B4M	Fair Mixed Color Heavy Leaf. Medium to heavy body, mature, close, lean in oil, inelastic, weak, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5M	Low Mixed Color Heavy Leaf. Medium to heavy body, mature, close, lean in oil, inelastic, weak, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3G	Good Green Heavy Leaf. Medium to heavy body, mature, firm, oily, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4G	Fair Green Heavy Leaf. Medium to heavy body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5G	Low Green Heavy Leaf. Medium to heavy body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.

§ 29.2438 Thin Leaf (C Group).

This group consists of leaves usually grown at the center portion of the stalk. These leaves normally have a rounded tip, are thinner in body than those of the B group, and show little or no ground injury. Choice- and fine-quality tobacco of this group has a distinctive, smooth leaf surface.

U.S. grades	*Grade names and specifications*
C1L	Choice Light-brown Thin Leaf. Thin to medium body, matur to ripe, firm, oily, semielastic strong, bright finish, deep colo intensity, broad, 95 percent un form, and 5 percent injury tole ance.
	Fine Light-brown Thin Leaf. Thin to medium body, matu to ripe, firm, oily, semielasti strong, clear finish, deep col intensity, spready, 90 perce uniform, and 10 percent inju tolerance.
	Good Light-brown Thin Leaf. Thin to medium body, matu to ripe, firm, oily, semielas normal strength, clear fini moderate color intensity, nor width, 80 percent uniform, 20 percent injury tolerance.
C4L	Fair Light-brown Thin Leaf. Thin to medium body, mat to ripe, close, lean in oil, ine tic, weak, dull finish, pale c intensity, narrow, 70 perc uniform, and 30 percent in tolerance.
	Low Light-brown Thin Leaf. Thin to medium body, ma to ripe, close, lean in oil, ine tic, weak, dull finish, pale c intensity, narrow, 60 per uniform, and 40 percent i tolerance.
	Choice Medium-brown Thin

U.S. grades	Grade names and specifications
	Thin to medium body, mature to ripe, firm, oily, semielastic, strong, bright finish, deep color intensity, broad, 95 percent uniform, and 5 percent injury tolerance.
C2F	Fine Medium-brown Thin Leaf. Thin to medium body, mature to ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
C3F	Good Medium-brown Thin Leaf. Thin to medium body, mature to ripe, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4F	Fair Medium-brown Thin Leaf. Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5F	Low Medium-brown Thin Leaf. Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C2D	Fine Dark-brown Thin Leaf. Thin to medium body, mature to ripe, firm, oily, semielastic, strong, clear finish, deep color intensity, spready, 90 percent uniform, and 10 percent injury tolerance.
C3D	Good Dark-brown Thin Leaf. Thin to medium body, mature to ripe, firm, lean in oil, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4D	Fair Dark-brown Thin Leaf. Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5D	Low Dark-brown Thin Leaf. Thin to medium body, mature to ripe, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3M	Good Mixed Color Thin Leaf. Thin to medium body, mature, firm, oily, semielastic, normal strength and width, 80 percent uniform, and 20 percent injury tolerance.
C4M	Fair Mixed Color Thin Leaf. Thin to medium body, mature, close, lean in oil, inelastic, weak, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5M	Low Mixed Color Thin Leaf. Thin to medium body, immature, close, lean in oil, inelastic, weak, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3G	Good Green Thin Leaf. Thin to medium body, mature, firm, oily, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4G	Fair Green Thin Leaf. Thin to medium body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5G	Low Green Thin Leaf. Thin to medium body, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform and 40 percent injury tolerance.

§ 29.2439 Lugs (X Group).

This group consists of leaves that normally grow near the bottom of the stalk. These leaves usually have a blunt tip, tend to roll, and show ground injury.

U.S. grades	Grade names and specifications
X1L	Choice Light-brown Lugs. Thin to medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2L	Fine Light-brown Lugs. Thin to medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3L	Good Light-brown Lugs. Thin to medium body, ripe, open, lean in oil, normal strength, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4L	Fair Light-brown Lugs. Thin to medium body, mature open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5L	Low Light-brown Lugs.

U.S. grades	Grade names and specifications
	Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1F	Choice Medium-brown Lugs. Medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2F	Fine Medium-brown Lugs. Medium body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3F	Good Medium-brown Lugs. Medium body, ripe, open, lean in oil, normal strength, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4F	Fair Medium-brown Lugs. Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5F	Low Medium-brown Lugs. Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1D	Choice Dark-brown Lugs. Medium to heavy body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2D	Fine Dark-brown Lugs. Medium to heavy body, ripe, firm to open, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3D	Good Dark-brown Lugs. Medium to heavy body, ripe, open, lean in oil, normal strength, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4D	Fair Dark-brown Lugs. Medium to heavy body, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5D	Low Dark-brown Lugs. Medium to heavy body, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X3M	Good Mixed Color Lugs. Medium to heavy body, mature, open, lean in oil, normal strength, 80 percent uniform, and 20 percent injury tolerance.
X4M	Fair Mixed Color Lugs. Thin to medium body, matu open, lean in oil, weak, 70 p cent uniform, and 30 perc injury tolerance.
X5M	Low Mixed Color Lugs. Thin to medium body, matu open, lean in oil, weak, 60 p cent uniform, and 40 perc injury tolerance.
X3G	Good Green Lugs. Medium to heavy bo mature, firm, lean in oil, norm strength, dull finish, 80 perc uniform, and 20 percent inj tolerance.
X4G	Fair Green Lugs. Medium to heavy body, i mature, close, lean in oil, wea dull finish, 70 percent unifor and 30 percent injury toleranc
X5G	Low Green Lugs. Thin to medium body, imm ture, close, lean in oil, wea dull finish, 60 percent unifor and 40 percent injury toleranc

§ 29.2440 (N Group).

Extremely common tobacco whic does not meet the minimum specifica tions or which exceeds the toleranc of the lowest grade of any other grou except scrap.

U.S. grades	Grade names and specification
N1L	First quality light colored nond script, thin to medium body an 50 percent injury tolerance.
N1D	First quality dark colored nond script, medium to heavy bo and 50 percent injury toleranc
N1GL	First quality light colored cru green nondescript, thin medium body and 50 perce crude leaves or injury toleranc
N1GD	First quality dark colored cru green nondescript, medium heavy body and 50 perce crude leaves or injury toleranc
N2	Substandard Nondescript—No descript of any group or colo over 50 percent crude leave or injury tolerance.

[45 FR 47115, July 14, 1980]

§ 29.2441 Scrap (S Group).

A byproduct of unstemmed an stemmed tobacco. Scrap accumulate from handling tobacco in farm build ings, warehouses, packing and condi tioning plants, and stemmeries.

U.S. grade	*Grade name and specifications*
S	Scrap. Tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.2461 Summary of standard grades.

4 Grades of wrappers				
A1F	A2F	A1D	A2D	
20 Grades of thin leaf				
C1L	C1F			
C2L	C2F	C2D		
C3L	C3F	C3D	C3M	C3G
C4L	C4F	C4D	C4M	C4G
C5L	C5F	C5D	C5M	C5G
5 Grades of nondescript				
N1L	N1D	N1GL	N1GD	
N2				
16 Grades of heavy leaf				
B1F	B1D			
B2F	B2D			
B3F	B3D	B3M	B3G	
B4F	B4D	B4M	B4G	
B5F	B5D	B5M	B5G	
21 Grades of lugs				
X1L	X1F	X1D		
X2L	X2F	X2D		
X3L	X3F	X3D	X3M	X3G
X4L	X4F	X4D	X4M	X4G
X5L	X5F	X5D	X5M	X5G
1 Grade of scrap				
S				

Special factors "U", "W" and "SF" may be applied to all grades. Tobacco not covered by the standard grades is designated "No-G."

Standard sizes applicable.

A1, A2	2, 3
B1	2, 3
B2, B3, B4, B5	1, 2, 3
C1	2, 3
C2, C3, C4, C5	1, 2, 3
X3, X4, X5, M and G [1]	2

[1] No size is applied to these grades if tobacco is under size 2.

[45 FR 44293, July 1, 1980, as amended at 51 FR 40406, Nov. 7, 1986]

KEY TO STANDARD GRADEMARKS

§ 29.2481 Key to standard grademarks.

Groups

A—Wrappers.
B—Heavy Leaf.
C—Thin Leaf.
X—Lugs.
N—Nondescript.
S—Scrap.

Qualities

1—Choice.
2—Fine.
3—Good.
4—Fair.
5—Low.

Colors

L—Light brown.
F—Medium brown.
D—Dark brown.
M—Mixed or variegated.
G—Green.
GL—Light green.
GD—Dark green.

[45 FR 44293, July 1, 1980]

OFFICIAL STANDARD GRADES FOR KENTUCKY AND TENNESSEE FIRE-CURED AND FOREIGN-GROWN FIRE-CURED TOBACCO (U.S. TYPES 22, 23, AND FOREIGN TYPE 96)

SOURCE: Sections 29.2501 to 29.2696 appear at 37 FR 13626, July 12, 1972, unless otherwise noted.

DEFINITIONS

§ 29.2501 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.2502 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.2503 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.2601.)

§ 29.2504 Brown colors.

A group of colors ranging from a reddish brown to yellowish brown. These colors vary from low to medium saturation and from very low to medium brilliance. As used in these standards, the range is expressed as light brown (L), medium brown (F), and dark brown (D).

§ 29.2505 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.2506 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See Rule 4, § 29.2620.)

§ 29.2507 Color.

The third factor of a grade based on the relative hues, saturation or chroma, and color values common to the type.

§ 29.2508 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. It is applicable to brown colors. (See chart, § 29.2601.)

§ 29.2509 Color symbols.

As applied to these types, color symbols are L—light brown, F—medium brown, D—dark brown, M—mixed or variegated VF—greenish medium brown, and G—green.

§ 29.2510 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.2511 Crude.

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from firekill, sunburn, or sunscald. Any leaf which is crude to the extent of 20 percent or more of its surface may be described as crude. (See Rule 19, § 29.2635.)

§ 29.2512 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.2513 Damage.

The effect of mold, must, rot, b
rot, or other fungus or bacterial
eases which attack tobacco in its c
state. Tobacco having the odor
mold, must, or rot is considered d
aged. (See Rule 20, § 29.2636.)

§ 29.2514 Dirty.

The state of tobacco containing
abnormal amount of dirt or sand
tobacco to which additional quanti
of dirt or sand have been added. (
Rule 22, § 29.2638.)

§ 29.2515 Elasticity.

The flexible, springy nature of
tobacco leaf to recover approxima
its original size and shape after it
been stretched. (See chart, § 29.260

§ 29.2516 Elements of quality.

Physical characteristics used to
termine the quality of tobacco. Wo
selected to describe degrees wit
each element are shown in the ch
in § 29.2601.

§ 29.2517 Fiber.

The term applied to the veins i
tobacco leaf. The large central vei
called the midrib or stem. The sma
lateral and cross veins are conside
from the standpoint of size and co

§ 29.2518 Finish.

The reflectance factor in color
ception. Finish indicates the sheen
shine of the surface of a tobacco l
(See chart, § 29.2601.)

§ 29.2519 Fire-cured.

Tobacco cured under artificial
mospheric conditions by the use
open fires from which the smoke
fumes of burning wood are partly
sorbed by the tobacco.

§ 29.2520 Foreign matter.

Any extraneous substance or mat
al such as stalks, suckers, str
strings, rubber bands, and abnor
amounts of dirt or sand. (See Rule
§ 29.2638.)

§ 29.2521 Form.

The stage of preparation of tobacco such as unstemmed or stemmed.

§ 29.2522 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.2523 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, B3D means Heavy Leaf, good quality, and dark-brown color.

§ 29.2524 Green (G).

A term applied to green-colored tobacco. Any leaf which has a green color affecting 20 percent or more of its surface may be described as green. (See Rule 18, § 29.2634.)

§ 29.2525 Greenish.

A term applied to greenish-tinged tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See Rule 17, § 29.2633.)

§ 29.2526 Group.

A division of a type covering closely related grades based on certain characteristics which are usually related to stalk position, body, or the general quality of the tobacco. Groups in these types are Wrappers (A), Heavy Leaf (B), Thin Leaf (C), Lugs (X), Nondescript (N), and Scrap (S).

§ 29.2527 Injury.

Hurt or impairment from any cause except the fungous or bacterial diseases which attack tobacco in its cured state. (See Rule 15, § 29.2631.)

§ 29.2528 Leaf.

Whole, unstemmed leaf. Leaf, when applied to tobacco in strip form, shall describe the divided unit of a whole leaf.

[49 FR 16757, Apr. 20, 1984]

§ 29.2529 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.2530 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See chart, § 29.2601.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.2531 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.2532 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.2533 Maturity.

The degree of ripeness. (See chart, § 29.2601.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.2534 Mixed color or variegated (M).

Distinctly different colors of the type mingled together, or any leaf of which 20 percent or more of its surface is off brown, grayish, mottled, or bleached and does not blend with the normal colors of the type or group. (See Rule 16, § 29.2632.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.2535 Nested.

Any lots of Types 22 and 23 tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. (See Rule 22, § 29.2638.)

[37 FR 13626, July 12, 1972. Redesignated and amended at 49 FR 16757, Apr. 20, 1984]

§ 29.2536 No grade.

A designation applied to a lot of tobacco classified as nested, offtype, rework, or semicured; tobacco that is damaged 20 percent or more, abnormally dirty, extremely wet or watered, contains foreign matter, or has an odor foreign to the type. (See Rule 22, § 29.2638.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.2537 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Fire-cured, U.S. Types 22, 23, or Foreign Type 96. (See Rule 22, § 29.2638.)

[37 FR 13626, July 12, 1972. Redesignated and amended at 49 FR 16757, Apr. 20, 1984]

§ 29.2538 Oil.

A soft, semifluid constituent of tobacco. (See chart, § 29.2601.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.2539 Order (case).

The state of tobacco with respect to its moisture content.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.2540 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.2541 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.2542 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

[37 FR 13626, July 12, 1972. Redesignated
49 FR 16757, Apr. 20, 1984]

§ 29.2543 Raw.

Freshly harvested tobacco or toba
co as it appears between the time
harvesting and the beginning of th
curing process.

[37 FR 13626, July 12, 1972. Redesignated
49 FR 16757, Apr. 20, 1984]

§ 29.2544 Resweated.

The condition of tobacco which ha
passed through a second fermentatio
under abnormally high temperature
or refermented with a relatively hig
percentage of moisture. Resweated in
cludes tobacco which has been dippe
or reconditioned after its first fermen
tation and put through a forced or ar
tificial sweat.

[37 FR 13626, July 12, 1972. Redesignated
49 FR 16757, Apr. 20, 1984]

§ 29.2545 Rework.

Any lot of Types 22 and 23 tobacc
which needs to be resorted or other
wise reworked to prepare it properl
for market, including: (a) Tobacc
which is so mixed that it cannot b
classified properly in any grade of th
type, because the lot contains a sub
stantial quantity of two or more dis
tinctly different grades which shoul
be separated by sorting; (b) tobacc
which contains an abnormally larg
quantity of foreign matter or an un
usual number of muddy or extremel
dirty leaves which should be removed
and (c) tobacco not packed straight o
otherwise not properly prepared fo
market. (See Rule 22, § 29.2638.)

[37 FR 13626, July 12, 1972. Redesignate
and amended at 49 FR 16757, Apr. 20, 1984

§ 29.2546 Semicured.

Tobacco in the process of bein
cured or which is partially but no
thoroughly cured. (See Rule 22
§ 29.2638.)

[37 FR 13626, July 12, 1972. Redesignated a
49 FR 16757, Apr. 20, 1984]

§ 29.2547 Semifired (SF).

Tobacco that is partially or lightly
smoked or has not received the

amount of smoke that is characteristic of fire-cured tobacco.

[51 FR 40406, Nov. 7, 1986]

§ 29.2548 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2549 Size.

The length of tobacco leaves. Size does not apply to tobacco in strip form. (See chart, § 29.2606.)

[37 FR 13626, July 12, 1972. Redesignated and amended at 49 FR 16757, Apr. 20, 1984 and further redesignated at 51 FR 40406, Nov. 7, 1986]

§ 29.2550 Sound.

Free of damage.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2551 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See Rule 10, § 29.2626.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2552 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2553 Stem.

The midrib or large central vein of a tobacco leaf.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2554 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2555 Strength.

The stress a tobacco leaf can bear without tearing. (See chart, § 29.2601.)

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2556 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2557 Subgrade.

Any grade modified by a special factor symbol.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2558 Sweated.

The condition of tobacco, which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2559 Sweating.

The condition of tobacco in the process of fermentation.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2560 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, threshing, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cutting, clippings, trimmings, siftings, or dust.

[37 FR 13626, July 12, 1972. Redesignated and amended at 49 FR 16757, Apr. 20, 1984, and further redesignated 51 FR 40406, Nov. 7, 1986]

§ 29.2561 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2562 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2563 Type 22.

That type of Fire-cured tobacco, known as Eastern District Fire-cured, produced principally in a section east of the Tennessee River in southern Kentucky and northern Tennessee.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2564 Type 23.

That type of Fire-cured tobacco, known as Western District Fire-cured or Dark-fired, produced principally in a section west of the Tennessee River in Kentucky and extending into Tennessee.

[37 FR 13626, July 12, 1972. Redesignated at 49 FR 16757, Apr. 20, 1984 and 51 FR 40406, Nov. 7, 1986]

§ 29.2565 Type 96.

That type of fire-cured tobacco known as Foreign-grown Fire-cured produced in countries other than t
United States.

[49 FR 16757, Apr. 20, 1984. Redesignated
51 FR 40406, Nov. 7, 1986]

§ 29.2566 Undried.

The condition of unfermented tob
co which has not been air-dried
steam-dried.

[37 FR 13626, July 12, 1972. Redesignated
49 FR 16757, Apr. 20, 1984 and 51 FR 404
Nov. 7, 1986]

§ 29.2567 Uniformity.

An element of quality which d
scribes the consistency of a lot of t
bacco as it is prepared for market. Ur
formity is expressed as a percentage
grade specifications. (See Rule 1
§ 29.2630.)

[37 FR 13626, July 12, 1972. Redesignated
49 FR 16757, Apr. 20, 1984 and 51 FR 4040
Nov. 7, 1986]

§ 29.2568 Unsound (U).

Damaged under 20 percent. (S
Rule 20, § 29.2636.)

[37 FR 13626, July 12, 1972. Redesignated
49 FR 16757, Apr. 20, 1984 and 51 FR 4040
Nov. 7, 1986]

§ 29.2569 Unstemmed.

A form of tobacco, including who
leaf and leaf scrap, from which th
stems or midribs have not been r
moved.

[37 FR 13626, July 12, 1972. Redesignated
49 FR 16757, Apr. 20, 1984 and 51 FR 4040
Nov. 7, 1986]

§ 29.2570 Wet (W).

Any sound tobacco containing exce
sive moisture to the extent that it is
unsafe or doubtful-keeping order. We
applies to any tobacco which is n
damaged but which is likely to dama
if treated in the customary manne
(See Rule 21, § 29.2637.) (For extrem
ly wet or watered tobacco, see rule 2
§ 29.2638.)

[37 FR 13626, July 12, 1972. Redesignated
49 FR 16757, Apr. 20, 1984 and 51 FR 4040
Nov. 7, 1986]

§ 29.2571 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. Width, as an element of quality, does not apply to tobacco in strip form. (See chart, § 29.2601.)

[37 FR 13626, July 12, 1972. Redesignated and amended at 49 FR 16757, Apr. 20, 1984 and further redesignated at 51 FR 40406, Nov. 7, 1986]

ELEMENTS OF QUALITY

§ 29.2601 Elements of quality and degrees of each element.

Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees. These degrees are arranged to show their relative value and are used in determining the quality of tobacco. The actual value of each degree varies with group.

Elements	Degrees		
Body	Thin	Medium	Heavy.
Maturity	Immature	Mature	Ripe.
Leaf structure.	Close	Firm	Open.
Oil	Lean	Oily	Rich.
Elasticity	Inelastic	Semielastic	Elastic.
Strength	Weak	Normal	Strong.
Finish	Dull	Clear	Bright.
Color intensity.	Pale	Moderate	Deep.
Width	Narrow	Normal	Spready.
Uniformity	Expressed in percentages.		
Injury tolerance	Expressed in percentages.		

SIZES

§ 29.2606 Standard sizes.[1]

Inches	Size
12-20	1
20-28	2
Over 28	3

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[1] The application of sizes is governed by the major portion of the lot or package.

[51 FR 40406, Nov. 7, 1986]

RULES

§ 29.2616 Rules.

The application of these official standard grades shall be in accordance with §§ 29.2617 through 29.2639.

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984]

§ 29.2617 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.2618 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.2619 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, two or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least two breaks from which a representative sample shall be selected.

§ 29.2620 Rule 4.

All standard grades must be clean.

§ 29.2621 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned it shall not thereafter be represented as such grade.

§ 29.2622 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.2623 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.2624 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.2625 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.2626 Rule 10.

Any special factor approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984]

§ 29.2627 Rule 11.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

§ 29.2628 Rule 12.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.2629 Rule 13.

Length shall be stated in connection with each grade of the A, B, and C groups, except strip grades, and may be stated in connection with the grades of other groups. The standard tobacco sizes shall be used.

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984; 51 FR 40406, Nov. 7, 1986]

§ 29.2630 Rule 14.

Uniformity shall be expressed in pe centages. These percentages sha govern the portion of a lot which mu meet each specification of the grad The minor portion must be closely r lated but may be of a different grou quality, and color from the major po tion. Specified percentages of uniform ity shall not affect limitations estab lished by other rules.

§ 29.2631 Rule 15.

Injury tolerance shall be expresse in percentages. The appraisal of injur shall be based upon the percentage o affected leaf surface or the degree o injury. In appraising injury, consideration shall be given to the norma characteristics of the group.

§ 29.2632 Rule 16.

Any lot of tobacco of the B, C, or X groups containing over 30 percent of mixed color or variegated leaves or over 30 percent of mixed color and variegated leaves combined shall be classified as "mixed" and designated by the color symbol "M."

§ 29.2633 Rule 17.

Any lot of tobacco containing 20 percent or more of greenish leaves or any lot which contains 20 percent of greenish and green leaves combined shall be designated by the color symbol "VF."

§ 29.2634 Rule 18.

Any lot of tobacco containing 20 percent or more of green leaves or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbol "G."

§ 29.2635 Rule 19.

In the B, C, and X groups crude leaves shall be restricted to the fourth and fifth qualities of green grades. Any lot containing 20 percent or more of crude leaves shall be classified as Nondescript.

§ 29.2636 Rule 20.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor

"U" after the grademark. Tobacco damaged 20 percent or more shall be designated "No-G."

§ 29.2637 Rule 21.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated "No-G."

§ 29.2638 Rule 22.

Tobacco shall be designated No Grade, using the grademark "No-G," when it is dirty, nested, offtype, semicured, damaged 20 percent or more, extremely wet or watered, or when it needs to be reworked, contains foreign matter, or has an odor foreign to type.

§ 29.2639 Rule 23.

Tobacco in strip form which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "S" preceding the grademark.

[49 FR 16757, Apr. 20, 1984]

§ 29.2640 Rule 24.

Tobacco that is semifired but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "SF" after the grademark. This factor does not apply to tobacco designated "No-G".

[51 FR 40406, Nov. 7, 1986]

GRADES

§ 29.2661 Wrappers (A Group).

This group consists of leaves usually grown at or above the center portion of the stalk. Cured leaves of this group are elastic and show a low percentage of injury affecting wrapper yield.

Grades	Grade names and specifications
A1F	Choice Medium-brown Wrappers. Thin to medium body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, spready, 90 percent uniform, and 10 percent of leaves not lower than B1 or C1.
A2F	Fine Medium-brown Wrappers. Thin to medium body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, spready, 75 percent uniform, and 25 percent of leaves not lower than B2 or C2.
A3F	Good Medium-brown Wrappers. Thin to medium body, ripe, firm oily, elastic, strong, clear finish, moderate color intensity, spready, 60 percent uniform, and 40 percent of leaves not lower than B3 or C3.
A1D	Choice Dark-brown Wrappers. Thin to heavy body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, spready, 90 percent uniform, and 10 percent of leaves not lower than B1 or C1.
A2D	Fine Dark-brown Wrappers. Thin to heavy body, ripe, firm, rich in oil, elastic, strong, bright finish, deep color intensity, spready, 75 percent uniform, and 25 percent of leaves not lower than B2 or C2.
A3D	Good Dark-brown Wrappers. Thin to heavy body, ripe, firm, oily, elastic, strong, clear finish, moderate color intensity, spready, 60 percent uniform, and 40 percent of leaves not lower than B3 or C3.

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984]

§ 29.2662 Heavy Leaf (B Group).

This group consists of leaves which are medium to heavy in body.

Grades	*Grade names and specifications*
B1F	Choice Medium-brown Heavy Leaf. Medium body, ripe, firm, oily, elastic, strong, bright finish, deep color intensity, normal width, 95 percent uniform, and 5 percent injury tolerance.
B2F	Fine Medium-brown Heavy Leaf. Medium body, ripe, firm, oily, elastic, strong, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
B3F	Good Medium-brown Heavy Leaf. Medium body, ripe, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4F	Fair Medium-brown Heavy Leaf.

Grades	Grade names and specifications
	Medium body, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5F	Low Medium-brown Heavy Leaf. Medium body, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 30 percent injury tolerance.
B1D	Choice Dark-brown Heavy Leaf. Medium to heavy body, ripe, firm, oily, elastic, strong, bright finish, deep color intensity, normal width, 95 percent uniform and 5 percent injury tolerance.
B2D	Fine Dark-brown Heavy Leaf. Medium to heavy body, ripe, firm, oily, elastic, strong, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
B3D	Good Dark-brown Heavy Leaf. Medium to heavy body, ripe, firm, oily, semielastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4D	Fair Dark-brown Heavy Leaf. Medium to heavy body, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5D	Low Dark-brown Heavy Leaf. Medium to heavy body, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3M	Good Mixed Color or Variegated Heavy Leaf. Medium to heavy body, ripe, firm, oily, semielastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4M	Fair Mixed Color or Variegated Heavy Leaf. Medium to heavy body, mature, close, lean in oil, inelastic, weak, dull .finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5M	Low Mixed Color or Variegated Heavy Leaf. Medium to heavy body, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3VF	Good Greenish Medium-brown Heavy Leaf. Medium body, mature, fi oily, semielastic, norm strength, clear finish, norm width, 80 percent uniform, a 20 percent injury tolerance.
B4VF	Fair Greenish Medium-bro Heavy Leaf. Medium body, mature, clo lean in oil, inelastic, weak, d finish, narrow, 70 percent u form, and 30 percent injury t erance.
B5VF	Low Greenish Medium-bro Heavy Leaf. Medium body, mature, clo lean in oil, inelastic, weak, d finish, narrow, 60 percent u form, and 40 percent injury to erance.
B3G	Good Green Heavy Leaf. Medium to heavy bod mature, firm, oily, semi- elasti normal strength, clear finis normal width, 80 percent un form, and 20 percent injury to erance.
B4G	Fair Green Heavy Leaf. Medium to heavy body mature, close, lean in oil, i elastic, weak, dull finis narrow, 70 percent uniform, an 30 percent injury tolerance.
B5G	Low Green Heavy Leaf. Medium to heavy body, im mature, close, lean in oil, in elastic, weak, dull finish narrow, 60 percent uniform, an 40 percent injury tolerance.

[37 FR 13626, July 12, 1972; 37 FR 15501 Aug. 3, 1972, as amended at 49 FR 16757 Apr. 20, 1984; 51 FR 40407, Nov. 7, 1986]

§ 29.2663 Thin Leaf (C Group).

This group consists of leaves that are thin in body.

Grades	Grade names and specifications
C1L	Choice Light-brown Thin Leaf. Thin, ripe, firm, oily, semielastic, normal strength, brigh finish, deep color intensity, normal width, 95 percent uniform, and 5 percent injury tolerance.
C2L	Fine Light-brown Thin Leaf. Thin, ripe, firm, oily, semielastic, normal strength, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
C3L	Good Light-brown Thin Leaf. Thin, ripe, firm, oily, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4L	Fair Light-brown Thin Leaf.

Grades	Grade names and specifications
	Thin, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5L	Low Light-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C1F	Choice Medium-brown Thin Leaf. Thin, ripe, firm, oily, semielastic, normal strength, bright finish, deep color intensity, normal width, 95 percent uniform, and 5 percent injury tolerance.
C2F	Fine Medium-brown Thin Leaf. Thin, ripe, firm, oily, semielastic, normal strength, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
C3F	Good Medium-brown Thin Leaf. Thin, ripe, firm, oily, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4F	Fair Medium-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5F	Low Medium-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C1D	Choice Dark-brown Thin Leaf. Thin, ripe, firm, oily, semielastic, normal strength, bright finish, deep color intensity, normal width, 95 percent uniform, and 5 percent injury tolerance.
C2D	Fine Dark-brown Thin Leaf. Thin, ripe, firm, oily, semielastic, normal strength, clear finish, deep color intensity, normal width, 90 percent uniform, and 10 percent injury tolerance.
C3D	Good Dark-brown Thin Leaf. Thin, ripe, firm, oily, inelastic, normal strength, clear finish, moderate color intensity, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4D	Fair Dark-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5D	Low Dark-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, pale color intensity, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3M	Good Mixed Color or Variegated Thin Leaf. Thin, ripe, firm, oily, inelastic, normal strength, clear finish, normal, width, 80 percent uniform, and 20 percent injury tolerance.
C4M	Fair Mixed Color or Variegated Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5M	Low Mixed Color or Variegated Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3VF	Good Greenish Medium-brown Thin Leaf. Thin, mature, firm, oily, inelastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4VF	Fair Greenish Medium-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5VF	Low Greenish Medium-brown Thin Leaf. Thin, mature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3G	Good Green Thin Leaf. Thin, mature, firm, oily, inelastic, normal strength, clear finish, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4G	Fair Green Thin Leaf. Thin, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5G	Low Green Thin Leaf. Thin, immature, close, lean in oil, inelastic, weak, dull finish, narrow, 60 percent uniform, and 40 percent injury tolerance.

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984]

§ 29.2664 Lugs (X Group).

This group consists of leaves that normally grow near the bottom of the stalk. Leaves of the X group usually have a high degree of maturity and show ground injury.

Grades	Grade names and specifications
X1L	Choice Light-brown Lugs. Thin, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2L	Fine Light-brown Lugs. Thin, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3L	Good Light-brown Lugs. Thin, ripe, firm, oily, normal dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4L	Fair Light-brown Lugs. Thin, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5L	Low Light-brown Lugs. Thin, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1F	Choice Medium-brown Lugs. Medium body, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2F	Fine Medium-brown Lugs. Medium body, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3F	Good Medium-brown Lugs. Medium body, ripe, firm, lean in oil, weak, dull finish, pale color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4F	Fair Medium-brown Lugs. Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5F	Low Medium-brown Lugs. Thin to medium body, mature, open, lean in oil, weak, dull finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1D	Choice Dark-brown Lugs. Medium to heavy body, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2D	Fine Dark-brown Lugs. Medium to heavy body, ripe, firm, oily, normal strength, clear finish, moderate color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3D	Good Dark-brown Lugs. Medium to heavy body, r firm, lean in oil, weak, d finish, pale color intensity, percent uniform, and 20 p cent injury tolerance.
X4D	Fair Dark-brown Lugs. Medium to heavy bo mature, open, lean in oil, we dull finish, pale color intensi 70 percent uniform, and 30 p cent injury tolerance.
X5D	Low Dark-brown Lugs. Thin to heavy, mature, op lean in oil, weak, dull finis pale color intensity, 60 perce uniform, and 40 percent inju tolerance.
X3M	Good Mixed Color or Variegat Lugs. Thin to heavy, ripe, firm, le in oil, weak, dull finish, 80 pe cent uniform, and 20 perce injury tolerance.
X4M	Fair Mixed Color or Variegat Lugs. Thin to heavy, mature, clos lean in oil, weak, dull finish, 7 percent uniform, and 30 pe cent injury tolerance.
X5M	Low Mixed Color or Variegat Lugs. Thin to heavy, mature, clos lean in oil, weak, dull finish, 6 percent uniform, and 40 pe cent injury tolerance.
X3VF	Good Greenish Medium-brow Lugs. Medium body, mature, fir lean in oil, weak, dull finish, 8 percent uniform, and 20 pe cent injury tolerance.
X4VF	Fair Greenish Medium-brow Lugs. Thin to medium body, matur close, lean in oil, weak, du finish, 70 percent uniform, an 30 percent injury tolerance.
X5VF	Low Greenish Medium-brow Lugs. Thin to medium body, matur close, lean in oil, weak, du finish, 60 percent uniform, an 40 percent injury tolerance.
X3G	Good Green Lugs. Medium to heavy bod mature, firm, weak, lean in o dull finish, 80 percent unifor and 20 percent injury toleranc
X4G	Fair Green Lugs. Thin to medium body, imm ture, close, lean in oil, wea dull finish, 70 percent unifor and 30 percent injury toleranc
X5G	Low Green Lugs. Thin to medium body, imm ture, close, lean in oil, wea dull finish, 60 percent unifor and 40 percent injury toleranc

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984; 51 FR 40407, Nov. 7, 1986]

§ 29.2665 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except Scrap.

Grades	*Grade names and specifications*
N1L	First Quality Light Colored Nondescript. Thin to medium body and 60 percent injury tolerance.
N1D	First Quality Dark Colored Nondescript. Medium to heavy body and 60 percent injury tolerance.
N1GL	First Quality Crude Green Nondescript from the C or B Groups 60 percent crude leaves or injury tolerance.
N1GX	First Quality Crude Green Nondescript from the X Group 60 percent crude leaves or injury tolerance.
N2	Substandard Nondescript. Nondescript of any group or color; over 60 percent crude leaves or injury tolerance.

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984; 51 FR 40407, Nov. 7, 1986]

§ 29.2666 Scrap (S Group).

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

Grades	*Grade names and specifications*
S	Scrap. Tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984]

SUMMARY OF STANDARD GRADES

§ 29.2686 Summary of standard grades.

6 Grades of Wrappers

A1F	A3F	A2D	A3D
A2F	A1D		

19 Grades of Heavy Leaf

B1F	B1D	B3M	B5VF
B2F	B2D	B4M	B3G
B3F	B3D	B5M	B4G
B4F	B4D	B3VF	B5G
B5F	B5D	B4VF	

24 Grades of Thin Leaf

C1L	C2F	C3D	C3VF
C2L	C3F	C4D	C4VF
C3L	C4F	C5D	C5VF
C4L	C5F	C3M	C3G
C5L	C1D	C4M	C4G
C1F	C2D	C5M	C5G

24 Grades of Lugs

X1L	X2F	X3D	X3VF
X2L	X3F	X4D	X4VF
X3L	X4F	X5D	X5VF
X4L	X5F	X3M	X3G
X5L	X1D	X4M	X4G
X1F	X2D	X5M	X5G

5 Grades of Nondescript

N1L	N1D	N1GL	N1GX	N2

1 Grade of Scrap

S

Special factors "U", "W", "S" and "SF" may be applied to all grades. Tobacco not covered by the standard grades is designated "No-G."

Standard Sizes Applicable

A1, A2, A3	2, 3
B1, B2, B3, B4, B5	1, 2, 3
C1, C2, C3, C4, C5	1, 2, 3

[37 FR 13626, July 12, 1972, as amended at 49 FR 16757, Apr. 20, 1984; 51 FR 40407, Nov. 7, 1986]

KEY TO STANDARD GRADEMARKS

§ 29.2696 Key to standard grademarks.

Groups

A—Wrappers.
B—Heavy Leaf.
C—Thin Leaf.
X—Lugs.
N—Nondescript.
S—Scrap.

Qualities

1—Choice.
2—Fine.
3—Good.
4—Fair.
5—Low.

Colors

L—Light brown.
F—Medium brown.
D—Dark brown.
M—Mixed or variegates.
VF—Greenish medium brown.
G—Green.

OFFICIAL STANDARD GRADES FOR BURLEY TOBACCO (U.S. TYPE 31 AND FOREIGN TYPE 93)

SOURCE: Sections 29.3001 to 29.3182 appear at 24 FR 8771, Oct. 29, 1959, unless otherwise noted.

DEFINITIONS

§ 29.3001 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.3002 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent house-burn and barn-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.3003 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.3004 Body.

The thickness and density of a leaf or the weight per unit of surface. (See Elements of quality.)

§ 29.3005 Burley, Type 31.

That type of air-cured tobacco, commonly known as Burley, produced principally in Kentucky, Tennessee, Virginia, North Carolina, Ohio, Indiana, West Virginia, and Missouri.

§ 29.3006 Burley, Type 93.

That type of air-cured tobacco commonly known as Foreign-grown Burley, produced in countries other than the United States.

[49 FR 16757, Apr. 20, 1984]

§ 29.3007 Buff color (L).

A light yellow slightly shaded toward red.

[24 FR 8771, Oct. 29, 1959; 24 FR 9121, Nov. 10, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3008 Class.

A major division of tobacco based on method of cure or principal usage.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3009 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See Rule 20.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3010 Color.

The third factor of a grade, based on the relative hues, saturations or chroma, and color values common to the type.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3011 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. It is applicable to all colors except variegated. Color intensity is reversed in its application to grades of greenish and green tobaccos and is omitted from these grade specifications. (See Elements of quality.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3012 Color symbols.

As applied to Burley, single color symbols are as follows: L—buff, F—

tan, R—red, D—dark red, K—variegated, M—mixed color, V—greenish, and G—green.

[24 FR 8771, Oct. 29, 1959, as amended at 35 FR 10490, June 27, 1970. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3013 Combination color symbols.

As applied to Burley, combination color symbols are as follows: FL—tannish buff, FR—tannish red, VF—greenish tan, VR—greenish red, GF—green tan, and GR—green red. (See rules 17 and 18.)

[51 FR 40407, Nov. 7, 1986]

§ 29.3014 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are as follows: Undried, air-dried, steam-dried, sweating, sweated, and aged. Burley is air-dried or steam-dried for storage and aging.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3015 Crude.

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from sunburn or sunscald. Any leaf which is crude to the extent of 20 percent of its leaf surface may be described as crude. (See Rule 19.)

[24 FR 8771, Oct. 29, 1959; 24 FR 9121, Nov. 10, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3016 Cured.

Tobacco dried of its sap by either natural or artificial processes.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3017 Damage.

The effect of mold, must, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 23.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3018 Dark red color (D).

A dark reddish brown.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3019 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 23.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3020 Elements of quality.

Elements of quality and the degrees used in the specifications of the official standard grades of Burley, Types 31 and 93, are shown in § 29.3101. Words have been selected to describe the degrees of each element. Some of the words are almost synonymous in their meaning, yet, they are sufficiently different to represent steps within the range of the elements of quality to which they are applied.

[24 FR 8771, Oct. 29, 1959. Redesignated and amended at 49 FR 16757, Apr. 20, 1984]

§ 29.3021 Fiber.

The term applied to the veins in a tobacco leaf. The large central vein is called the midrib or stem. The smaller lateral and cross veins are considered from the standpoint of size and color and in some types are treated as elements of quality. In Burley, fiber size and color are not of great importance, except where a fine distinction must be made between several lots of high quality or between sides of the same lot.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3022 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf. Descriptive terms range from bright to dingy. (See Elements of quality.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3023 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, et cetera. Abnormal amounts of dirt or sand also are included. (See Rule 23.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3024 Form.

The stage of preparation of tobacco such as unstemmed or stemmed.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3025 General color.

The color of tobacco considered in relation to the type as a whole. General color is distinguished from the restricted use of the term "color" within a group. It is basically related to body and other overall characteristics of the type.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3026 General quality.

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the restricted use of the term "quality" within a group.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3027 Grade.

A subdivision of a type according to group, quality, and color.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3028 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, C2F means Lugs, second quality, and tan color.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3029 Green (G).

A color term applied to immature or crude tobacco. Any leaf which has a green color affecting 20 percent or more of its leaf surface may be described as green. (See Rule 18.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3030 Greenish (V).

A color term applied to greenish-tinged tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See Rule 17.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3031 Group.

A division of a type covering closely related grades based on certain characteristics which are related to stalk position or the general quality of the tobacco. Groups in Burley, Types 31 and 93, are as follows: Flyings (X), Lugs or Cutters (C), Leaf (B), Tips (T), Mixed (M), Nondescript (N), and Scrap (S).

[24 FR 8771, Oct. 29, 1959. Redesignated and amended at 49 FR 16757, Apr. 20, 1984]

§ 29.3032 Injury.

Hurt or impairment from any cause except the fungous or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilizing, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frostbitten, sunburned, sunscalded, scorched, fire-killed, bulk-burnt, steam-burnt, barn-burnt, house-burnt, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frog-eye, mosaic, root rot, wilt, black shank, or other diseases. (See Elements of quality and Rule 14.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16757, Apr. 20, 1984]

§ 29.3033 Leaf.

Whole, unstemmed leaf. Leaf, when applied to tobacco in strip form, shall describe the divided unit of a whole leaf.

[49 FR 16758, Apr. 20, 1984]

§ 29.3034 Leaf scrap.

A by-product of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3035 Leaf structure.

The cell development of a leaf as indicated by its porosity or solidity. (See Elements of quality.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3036 Leaf surface.

The smoothness or roughness of the web or lamina of a tobacco leaf. Leaf surface is affected to some extent by the size and shrinkage of the veins or fibers. (See Elements of quality.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3037 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. Length, as an element of quality, does not apply to tobacco in strip form. (See Elements of quality.)

[24 FR 8771, Oct. 29, 1959. Redesignated and amended at 49 FR 16757, 16758, Apr. 20, 1984]

§ 29.3038 Lot.

A pile, basket, bulk, bale or bales, sheet, case hogshead, tierce, package, or other definite package unit.

[48 FR 40366, Sept. 7, 1983. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3039 Maturity.

The degree of ripeness. Tobacco is mature when it reaches its prime state of development. The extremes are expressed as immature and mellow. (See Elements of quality.)

[24 FR 8771, Oct. 29, 1959; 24 FR 9121, Nov. 10, 1959. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3040 Mixed color (M).

Distinctly different colors of the type mingled together. (See Rule 16.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3041 Nested.

Any lot of Type 31 tobacco which as has been loaded, packed or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes:

(a) Any lot of tobacco which contains foreign matter, is damaged, injured, or tangled, or contains other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged;

(b) Any lot of tobacco which consists of distinctly different grades, qualities or conditions and which is stacked or arranged with the same kinds together so that the tobacco in the lower portions of the lot is distinctly inferior in grade, quality or condition from the tobacco in the top portion of the lot.

[47 FR 51721, Nov. 17, 1982. Redesignated and amended at 49 FR 16757, 16758, Apr. 20, 1984]

§ 29.3042 No grade.

A designation applied to a lot of tobacco which is classified as offtype, rework, semicured, damaged 20 percent or more, abnormally dirty, contains foreign matter, and/or having an odor foreign to the type.

[47 FR 51721, Nov. 17, 1982. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3043 No-G-Nested.

A designation applied to a lot of Type 31 tobacco which is classified as nested.

[47 FR 51721, Nov. 17, 1982. Redesignated and amended at 49 FR 16757, 16758, Apr. 20, 1984]

§ 29.3044 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Burley, Type 31 or 93. (See Rule 23.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51721, Nov. 17, 1982. Redesignated and amended at 49 FR 16757, 16758, Apr. 20, 1984]

§ 29.3045 Order (case).

The state of tobacco with respect to its moisture content.

[24 FR 8771, Oct. 29, 1959. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3046 Oriented.

A term applied to Type 31 untied tobacco which denotes the arrangement of leaves in a straight and orderly manner. Oriented includes:

(a) Any lot of baled tobacco in which the leaves are packed parallel to the length of the bale with the butts to the outside and the tips of the leaves overlapping sufficiently to make a level, solid and uniform package;

(b) Any lot of sheeted tobacco in which the leaves are arranged in a circular pattern with the butts to the outside.

[48 FR 40366, Sept. 7, 1983. Redesignated and amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3047 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3048 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3049 Pink or pinkish.

A color term applied to pink or pinkish tobacco. Any leaf which has a pink or pinkish color affecting 20 percent or more of its leaf surface is considered as mixed color. (See Rule 16.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3050 Quality.

A division of a group or the second factor of a grade, based on the relative degree of one or more elements of quality in tobacco.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3051 Raw.

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3052 Red color (R).

A brownish red.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3053 Rework.

Any lot of Type 31 tobacco which needs to be restored or otherwise rearranged to prepare it properly for market, including:

(a) Tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed;

(b) Tobacco not properly tied in hands, not packed in bales approximately 1 x 2 x 3 feet, not oriented, not packed straight, bales not opened for inspection when chosen by a grader, or otherwise not properly prepared for market.

[47 FR 51722, Nov. 17, 1982. Redesignated and amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3054 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swell stems, frozen tobacco, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See Rule 23.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3055 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3056 Sound.

Free of damage.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3057 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See Rule 9.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3058 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3059 Stem.

The midrib or large central vein of a tobacco leaf.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3060 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3061 Strength (tensile).

The stress a tobacco leaf can bear without tearing. Tensile strength is not an important element of quality in Burley tobacco.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3062 Strips.

The sides of a tobacco leaf from which the stem has been removed; or a lot of tobacco composed of strips.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3063 Subgrade.

Any grade modified by a special factor symbol.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3064 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3065 Sweating.

The condition of tobacco in the process of fermentation.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3066 Tan color.

A light red-yellow.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, and at 49 FR 16758, Apr. 20, 1984]

§ 29.3067 Tannish-buff (FL).

A light red-yellow shaded toward buff.

[51 FR 40407, Nov. 7, 1986]

§ 29.3068 Tannish-red color (FR).

A light red shaded toward tan.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984 and 51 FR 40407, Nov. 7, 1986]

§ 29.3069 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, threshing and sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982. Redesignated and amended at 49 FR 16758, Apr. 20, 1984, and further redesignated at 51 FR 40407, Nov. 7, 1986]

§ 29.3070 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986]

§ 29.3071 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986]

§ 29.3072 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986]

§ 29.3073 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed in grade specifications as a percentage. The percentage is applicable to group, quality, and color. (See Rule 13.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986]

§ 29.3074 Unsound (U).

Damaged under 20 percent. (Se Rule 21.)

[24 FR 8771, Oct. 29, 1959. Redesignated a 47 FR 51722, Nov. 17, 1982, 49 FR 1675 Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986

§ 29.3075 Unstemmed.

A form of tobacco, including whol leaf and leaf scrap, from which th stems or midribs have not been removed.

[24 FR 8771, Oct. 29, 1959. Redesignated a 47 FR 51722, Nov. 17, 1982, 49 FR 16758 Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986

§ 29.3076 Variegated (K).

Any leaf of which 20 percent o more of its surface is yellow, grayish, mottled, or bleached, and does not blend with the normal colors of the type or group and is generally characterized by a lower degree of leaf structure and maturity than tobacco of the corresponding group and quality. (See Rule 15.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986]

§ 29.3077 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in an unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 22.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982, 49 FR 16758, Apr. 20, 1984, and 51 FR 40407, Nov. 7, 1986]

§ 29.3078 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. Width as an element of quality, does not apply to tobacco in strip form. (See Elements of quality.)

[24 FR 8771, Oct. 29, 1959. Redesignated at 47 FR 51722, Nov. 17, 1982. Redesignated and amended at 49 FR 16758, Apr. 20, 1984, and further redesignated at 51 FR 40407, Nov. 7, 1986]

ELEMENTS OF QUALITY

§ 29.3101 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value, but the actual value of each degree varies with type, group, and grade. In each case the first and last degrees represent the full range for the element, and the intermediate degrees show gradual steps between them.

Elements	Degrees				
1 Body	Tissuey	Thin	Medium	Fleshy	Heavy.
2 Maturity	Mellow	Ripe	Mature	Underripe.	Immature.
3 Leaf structure (porosity and solidity)	Porous	Open	Firm	Close	Solid.
4 Leaf surface (smoothness).	Smooth	Even	Wavy	Wrinkly	Rough.
5 Finish	Bright	Clear	Moderate.	Dull	Dingy.
6 Color intensity.	Deep	Strong	do	Weak	Pale.
7 Width	Broad	Spready	Normal	Narrow	Stringy.
8 Length	[1]	[1]	[1]	[1]	[1]
9 Uniformity.	[2]	[2]	[2]	[2]	[2]
10 Injury tolerance.	[2]	[2]	[2]	[2]	[2]

[1] Expressed in inches.
[2] Expressed in percentage.

RULES

§ 29.3103 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.3104 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.3105 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.3106 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. One break shall be made not more than six inches from the top of the package and one not more than six inches from the bottom. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

[24 FR 8771, Oct. 29, 1959, as amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3107 Rule 4.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.3108 Rule 5.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.3109 Rule 6.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.3110 Rule 7.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.3111 Rule 8.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.3112 Rule 9.

Any special factor symbol, approved by the Director of the Tobacco Division of the Agricultural Marketing Service, may be used to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

[24 FR 8771, Oct. 29, 1959, as amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3113 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director.

§ 29.3114 Rule 11.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.3115 Rule 12.

Any lot, except strip form, of Leaf (B Group) tobacco in which 20 percent or more of its leaves are under 16 inches in length shall be designated as Tips (T Group).

[49 FR 16758, Apr. 20, 1984]

§ 29.3116 Rule 13.

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. The minor portion must be closely related but may be of a different group, quality, and color from the major portion. These percentages shall not affect limitatio
established by other rules.

§ 29.3117 Rule 14.

The application of injury as an el
ment of quality shall be expressed i
terms of a percentage of toleranc
The appraisal of injury shall be base
upon the percentage of affected lea
surface or the degree of injury. In ap
praising injury, consideration shall b
given to the normal characteristics o
the group as related to injury.

§ 29.3118 Rule 15.

Any lot of tobacco containing ove
20 percent of variegated leaves shal
be described as "variegated" and desig
nated by the color symbol "K."

[51 FR 40407, Nov. 7, 1986]

§ 29.3119 Rule 16.

Any lot of tobacco of B, C, or
groups which contains 30 percent o
more of pink or pinkish leaves or con
tains 30 percent or more of a color dis
tinctly different from the major colo
shall be classified as "mixed" and des
ignated by the color symbol "M."

§ 29.3120 Rule 17.

Any lot of tobacco containing 20 per
cent or more of greenish leaves, or any
lot which contains 20 percent of green
ish and green leaves combined, shal
be designated by the color symbol "V"
in the C group and the combinatio
color symbols "VF" or "VR" in the
and T groups.

§ 29.3121 Rule 18.

Any lot of tobacco containing 20 per
cent or more of green leaves, or any
lot which is not crude but contains 2
percent or more of green and crud
combined, shall be designated by th
color symbol "G" in the X, C, and M
groups and the combination colo
symbol "GF" and "GR" in the B an
T groups.

[55 FR 40645, Oct. 4, 1990]

§ 29.3122 Rule 19.

Crude leaves shall not be included i
any grade of any color except green
green tan, and green red. Any lot containing 20 percent or more of crud

leaves shall be designated as Nondescript.

§ 29.3123 Rule 20.

All standard grades must be clean.

§ 29.3124 Rule 21.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated as "No-G."

§ 29.3125 Rule 22.

Sound tobacco that is wet or is doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated as "No-G."

§ 29.3126 Rule 23.

Tobacco shall be designated as No Grade, using the grademark, "No-G," when it is dirty, offtype, semicured, needs to be reworked, damaged 20 percent or more, contains foreign matter, or has an odor foreign to the type.

[47 FR 51722, Nov. 17, 1982]

§ 29.3127 Rule 24.

Tobacco in Type 31 shall be designated by the grademark "No-G-Nested" when it is nested.

[47 FR 51722, Nov. 17, 1982, as amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3128 Rule 25.

Tobacco in strip form which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "S" preceding the grademark.

[49 FR 16758, Apr. 20, 1984]

GRADES

§ 29.3151 Flyings (X Group).

This group consists of leaves normally grown at the bottom of the stalk. These leaves are flat and open-faced and have a blunt or oblate tip. Compared with other groups on the stalk, Flyings consist of relatively thin to tissuey leaves which show the highest degree of maturity and the most open leaf structure. Flyings show a material amount of injury characteristic of leaves grown near the ground. (See Rule 14.)

Grades	*Grade names and specifications*
X1L	Choice Buff Flyings. Tissuey, mellow, open to porous, even, clear finish, strong color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2L	Fine Buff Flyings. Tissuey, mellow, open to porous, even, moderate finish and color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3L	Good Buff Flyings. Tissuey, ripe to mellow, open to porous, wavy, dull finish, weak color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4L	Fair Buff Flyings. Tissuey, mature to ripe, open to porous, wrinkly to wavy, dingy finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5L	Low Buff Flyings. Tissuey, mature to ripe, open to porous, wrinkly, dingy finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X1F	Choice Tan Flyings. Thin, mellow, open to porous, even, clear finish, strong color intensity, 95 percent uniform, and 5 percent injury tolerance.
X2F	Fine Tan Flyings. Thin, mellow, open to porous, even, moderate finish and color intensity, 90 percent uniform, and 10 percent injury tolerance.
X3F	Good Tan Flyings. Thin, ripe to mellow, open to porous, wavy, dull finish, weak color intensity, 80 percent uniform, and 20 percent injury tolerance.
X4F	Fair Tan Flyings. Thin, mature to ripe, open to porous, wrinkly to wavy, dingy finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5F	Low Tan Flyings. Thin, mature to ripe, open to porous, wrinkly, dingy finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X4M	Fair Mixed Color Flyings.

Grades	Grade names and specifications
	Medium to tissuey body, mature to ripe, firm to porous, wrinkly to wavy, dingy finish, pale color intensity, 70 percent uniform, and 30 percent injury tolerance.
X5M	Low Mixed Color Flyings. Medium to tissuey body, mature to ripe, firm to porous, wrinkly, dingy finish, pale color intensity, 60 percent uniform, and 40 percent injury tolerance.
X4G	Fair Green Flyings. Medium to tissuey body, immature, firm, wrinkly to wavy, dingy finish, 70 percent uniform, and 30 percent injury tolerance.
X5G	Low Green Flyings. Medium to tissuey body, immature, firm, wrinkly, dingy finish, 60 percent uniform, and 40 percent injury tolerance.

[24 FR 8771, Oct. 29, 1959, as amended at 35 FR 10490, June 27, 1970; 49 FR 16758, Apr. 20, 1984]

§ 29.3152 Lugs or Cutters (C Group).

This group consists of leaves normally grown at the midportion of the stalk. Cured leaves from this stalk position have a tendency to roll, concealing the stem or midrib. Lugs or Cutters have an oblate to rounded tip and are usually thin to medium in body. The leaves are spready in relation to their length and show little or no ground injury.

Grades	Grade names and specifications
C1L	Choice Buff Lugs. Thin, ripe, open, smooth, bright finish, deep color intensity, broad, 20" or over in length, 95 percent uniform and 5 percent injury tolerance.
C2L	Fine Buff Lugs. Thin, ripe, open, smooth, bright finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
C3L	Good Buff Lugs. Thin, ripe, open, even, clear finish, moderate color intensity, normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
C4L	Fair Buff Lugs. Thin, mature to ripe, firm to open, wavy to even, moderate finish, weak color intensity, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5L	Low Buff Lugs. Thin, mature, firm to o wavy dull finish, pale color tensity, narrow, 70 percent form, and 30 percent injury erance.
C1F	Choice Tan Lugs. Medium to thin body, r open, smooth, bright fin deep color intensity, broad, or over in length, 95 perc uniform, and 5 percent in tolerance.
C2F	Fine Tan Lugs. Medium to thin body, r open, smooth, bright fin strong color intensity, sprea 20" or over in length, 90 p cent uniform, and 10 perc injury tolerance.
C3F	Good Tan Lugs. Medium to thin body, r open, even, clear finish, mod ate color intensity, nor width, 18" or over in length, percent uniform, and 15 p cent injury tolerance.
C4F	Fair Tan Lugs. Medium to thin body, mat to ripe, firm to open, wavy even, moderate finish, we color intensity, narrow normal width, 80 percent u form, and 20 percent injury erance.
C5F	Low Tan Lugs. Medium to thin body, matu firm to open, wavy, dull fin pale color intensity, narrow, percent uniform and 30 perc injury tolerance.
C3K	Good Variegated Lugs. Medium body, ripe, op even, normal width, 18" or o in length, 85 percent unifo and 15 percent injury toleran
C4K	Fair Variegated Lugs. Medium body, mature to r firm to open, wavy to ev narrow to normal width, 80 p cent uniform, and 20 perc injury tolerance.
C5K	Low Variegated Lugs. Medium body, mature, clo to firm, wavy, narrow, 70 p cent uniform, and 30 perc injury tolerance.
C3M	Good Mixed Color Lugs. Medium to tissuey bo mature to ripe, firm to op even, moderate finish and co intensity, normal width, 18" over in length, 85 percent u form, and 15 percent injury erance.
C4M	Fair Mixed Color Lugs. Medium to tissuey bo mature to ripe, firm to op wavy to even, dull finish, we color intensity, narrow normal width, 80 percent u form, and 20 percent injury erance.
C5M	Low Mixed Color Lugs.

Grades	Grade names and specifications
	Medium to tissuey body, mature to ripe, firm to open, wavy, dingy finish pale color intensity, narrow, 70 percent uniform, and 30 percent injury tolerance.
C3V	Good Greenish Lugs. Medium to thin body, underripe open, even, clear finish, normal width 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
C4V	Fair Greenish Lugs. Medium to thin body, underripe, firm to open, wavy to even, moderate finish, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5V	Low Greenish Lugs. Medium to thin body, underripe firm to open, wavy, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.
C4G	Fair Green Lugs. Medium body, immature, close to firm, wavy to even, moderate finish, narrow to normal width, 80 percent uniform, and 20 percent injury tolerance.
C5G	Low Green Lugs. Medium body, immature, close to firm, wavy, dull finish, narrow, 70 percent uniform, and 30 percent injury tolerance.

[24 FR 8771, Oct. 29, 1959, as amended at 35 FR 10490, June 27, 1970; 49 FR 16758, Apr. 20, 1984]

§ 29.3153 Leaf (B Group).

This group consists of leaves normally grown above the midpoint of the stalk. Cured leaves from the upper stalk position have a tendency to fold, concealing the face of the leaf and exposing the stem or midrib. These leaves have a pointed tip and generally are medium to heavy in body. They are narrower in relation to their length than corresponding qualities of the C Group.

Grades	Grade names and specifications
B1F	Choice Tan Leaf. Medium body, ripe, open, smooth, clear finish, deep color intensity, spready, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
B2F	Fine Tan Leaf. Medium body ripe, open, even, clear finish, deep color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
B3F	Good Tan Leaf. Medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, 16" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4F	Fair Tan Leaf. Medium body, mature, firm, wavy, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5F	Low Tan Leaf. Medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B2FL	Fine Tannish-buff Leaf. Medium body, ripe, open, even, clear finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
B3FL	Good Tannish-buff Leaf Medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4FL	Fair Tannish-buff Leaf. Medium body, mature, firm, wavy, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B1FR	Choice Tannish-red Leaf. Fleshy to medium body, ripe, open, smooth, clear finish, deep color intensity, spready, 20" or over in length, 95 percent uniform, and 5 percent injury tolerance.
B2FR	Fine Tannish-red Leaf. Fleshy to medium body, ripe, open, even, clear finish, strong color intensity, spready, 20" or over in length, 90 percent uniform, and 10 percent injury tolerance.
B3FR	Good Tannish-red Leaf. Fleshy to medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4FR	Fair Tannish-red Leaf.

Grades	*Grade names and specifications*
	Fleshy to medium body, mature firm, wavy, dull finish, weak color intensity, narrow, 16" or over in length 80 percent uniform, and 20 percent injury tolerance.
B5FR	Low Tannish-red Leaf.
	Fleshy to medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B1R	Choice Red Leaf.
	Heavy to fleshy, ripe, firm to open, even, clear finish, deep color intensity, spready, 20" or over in length 95 percent uniform, and 5 percent injury tolerance.
B2R	Fine Red Leaf.
	Heavy to fleshy, ripe, firm to open wavy, clear finish, strong color intensity, spready, 20" or over in length 90 percent uniform, and 10 percent injury tolerance.
B3R	Good Red Leaf.
	Heavy to fleshy, mature to ripe, firm, wrinkly to wavy, moderate finish and color intensity, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4R	Fair Red Leaf.
	Heavy to fleshy, mature, close to firm, wrinkly, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5R	Low red Leaf.
	Heavy to fleshy, mature, close, rough, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B4D	Fair Dark-red Leaf.
	Heavy to fleshy, mature, close, wrinkly, dull finish, weak color intensity, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5D	Low Dark-red Leaf.
	Heavy to fleshy, underripe to mature, solid, rough, dingy finish, pale color intensity, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B3K	Good Variegated Leaf.
	Fleshy to medium body, mature to ripe, firm to open, wrinkly to wavy, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4K	Fair Variegated Leaf.
	Fleshy, mature, close to fi wrinkly, narrow, 16" or ove length, 80 percent uniform, 20 percent injury tolerance.
B5K	Low Variegated Leaf.
	Heavy to fleshy, underripe mature, solid to close, rou stringy, 16" or over in leng 70 percent uniform, and 30 p cent injury tolerance.
B2M	Fine Mixed Color Leaf.
	Fleshy to medium body, ri open, even, clear finish, stro color intensity, 20" or over length, 90 percent uniform, 10 percent injury tolerance.
B3M	Good Mixed Color Leaf.
	Fleshy to medium bo mature to ripe, firm to op wavy to even, moderate fin and color intensity, narrow normal width, 18" or over length, 85 percent uniform, 15 percent injury tolerance.
B4M	Fair Mixed Color Leaf.
	Fleshy to medium bo mature to ripe, firm to op wavy, dull finish, weak color tensity, narrow, 16" or over length, 80 percent uniform 20 percent injury tolerance.
B5M	Low Mixed Color Leaf.
	Fleshy to medium body, derripe to mature, firm to op wrinkly, dingy finish, pale co intensity stringy, 16" or over length, 70 percent uniform, 30 percent injury tolerance.
B3VF	Good Greenish-tan Leaf.
	Medium body, underripe, fi to open, wavy to even, mod ate finish, narrow to norm width, 18" or over in length, percent uniform, and 15 p cent injury tolerance.
B4VF	Fair Greenish-tan Leaf.
	Medium body, underri close to firm, wavy, dull fini narrow, 16" or over in leng 80 percent uniform, and 20 p cent injury tolerance.
B5VF	Low Greenish-tan Leaf.
	Medium body, underri close, wrinkly, dingy fini stringy, 16" or over in leng 70 percent uniform, and 30 p cent injury tolerance.
B3VR	Good Greenish-red Leaf.
	Heavy to fleshy, underri firm, wrinkly to wavy, moder finish, narrow to normal wid 18" or over in length, 85 p cent uniform, and 15 perc injury tolerance.
B4VR	Fair Greenish-red Leaf.
	Heavy to fleshy, underri close to firm, wrinkly, dull fini narrow, 16" or over in leng 80 percent uniform, and 20 p cent injury tolerance.
B5VR	Low Greenish-red Leaf.

Grades	Grade names and specifications
	Heavy to fleshy, underripe, close, rough, dingy finish, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B3GF	Good Green-tan Leaf. Fleshy to medium body, immature, firm to open, wrinkly to wavy, moderate finish, narrow to normal width, 18" or over in length, 85 percent uniform, and 15 percent injury tolerance.
B4GF	Fair Green-tan Leaf. Fleshy to medium body, immature, close to firm, wrinkly, dull finish, narrow, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance.
B5GF	Low Green-tan Leaf. Fleshy to medium body, immature, close, rough, dingy finish, stringy, 16" or over in length, 70 percent uniform, and 30 percent injury tolerance.
B3GR	Good Green-red Leaf. Heavy to fleshy, immature, close to firm, wrinkly to wavy, moderate finish, narrow to formal width, 18" or over in length, 85 percent uniform and 15 percent injury tolerance.
B4GR	Fair Green-red Leaf. Heavy to fleshy, immature, solid to close, wrinkly, dull finish, narrow width, 16" or over in length, 80 percent uniform, and 20 percent injury tolerance
B5GR	Low Green-red Leaf. Heavy to fleshy, immature, solid, rough, dingy finish, stringy, 16" or over in length, 70 percent uniform and 30 percent injury tolerance.

[24 FR 8771, Oct. 29, 1959, as amended at 49 FR 16758, Apr. 20, 1984; 51 FR 40407, Nov. 7, 1986]

§ 29.3154 Tips (T Group).

This group consists of leaves usually grown at the top of the stalk. These relatively narrow and sharp-pointed leaves have the general characteristics of B-Group tobacco. Tips have a slightly lower degree of maturity and leaf structure than other leaves on the stalk. (See Rule 12.)

Grades	Grade names and specifications
T3F	Good Tan Tips. Medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, under 16" in length, 85 percent uniform, and 15 percent injury tolerance.
T4F	Fair Tan Tips. Medium body, mature, firm, wavy dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5F	Low Tan Tips. Medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T3FR	Good Tannish-red Tips. Fleshy to medium body, mature to ripe, firm to open, wavy to even, moderate finish and color intensity, narrow to normal width, under 16" in length, 85 percent uniform, and 15 percent injury tolerance.
T4FR	Fair Tannish-red Tips. Fleshy to medium body, mature, firm, wavy, dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5FR	Low Tannish-red Tips. Fleshy to medium body, mature, firm, wrinkly, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T3R	Good Red Tips. Heavy to fleshy, mature to ripe, firm, wrinkly to wavy, moderate finish and color intensity, narrow to normal width, under 16" in length, 85 percent uniform, and 15 percent injury tolerance.
T4R	Fair Red Tips. Heavy to fleshy, mature, close to firm, wrinkly, dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5R	Low Red Tips. Heavy to fleshy, mature, close, rough, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4D	Fair Dark-red Tips. Heavy to fleshy, mature, close, wrinkly, dull finish, weak color intensity, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5D	Low Dark-red Tips.

Grades	Grade names and specifications
	Heavy to fleshy, underripe to mature, solid, rough, dingy finish, pale color intensity, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4K	Fair Variegated Tips. Fleshy, mature, close to firm, wrinkly, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5K	Low Variegated Tips. Heavy to fleshy, underripe to mature, solid to close, rough, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4VF	Fair Greenish-tan Tips. Medium body, underripe, close to firm, wavy, dull finish, narrow, under 16" in length, 80 percent uniform and 20 percent injury tolerance.
T5VF	Low Greenish-tan Tips. Medium body, underripe, close, wrinkly, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4VR	Fair Greenish-red Tips. Heavy to fleshy, underripe, close to firm, wrinkly, dull finish, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5VR	Low Greenish-red Tips. Heavy to fleshy, underripe, close, rough, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4GF	Fair Green-tan Tips. Fleshy to medium body, immature, close to firm, wrinkly, dull finish, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5GF	Low Green-tan Tips. Fleshy to medium body, immature, close, rough, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.
T4GR	Fair Green-red Tips. Heavy to fleshy, immature, solid to close, wrinkly, dull finish, narrow, under 16" in length, 80 percent uniform, and 20 percent injury tolerance.
T5GR	Low Green-red Tips. Heavy to fleshy, immature, solid, rough, dingy finish, stringy, under 16" in length, 70 percent uniform, and 30 percent injury tolerance.

[24 FR 8771, Oct. 29, 1959, as amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3155 Mixed (M Group).

This group consists of tobacco of d tinctly different groups which a mixed together in various combin tions.

Grades	Grade names and specificatio
M3F	Good Light Mixed. General quality of X3, C3, T3, medium to tissuey bo light general color, under percent greenish, and 15 p cent injury tolerance.
M4F	Fair Light Mixed. General quality of X4, C4, T4, medium to tissuey bo light general color under percent greenish, and 20 p cent injury tolerance.
M5F	Low Light Mixed. General quality of X5, C5, T5, medium to tissuey bo light general color, under percent greenish, and 30 p cent injury tolerance.
M3FR	Good Dark Mixed. General quality of X3, C3, T3, heavy to medium bo dark general color, under percent greenish, and 15 p cent injury tolerance.
M4FR	Fair Dark Mixed. General quality of X4, C4, T4, heavy to medium bo dark general color, under percent greenish, and 20 p cent injury tolerance.
M5FR	Low Dark Mixed. General quality of X5, C5, T5, heavy to medium bo dark general color, under percent greenish, and 30 p cent injury tolerance.
M4K	Fair Variegated Mixed. General quality of X4, C4, T4, fleshy to thin body, und 20 percent greenish, and percent injury tolerance.
M5K	Low Variegated Mixed. General quality of X5, C5, T5, fleshy to thin body, und 20 percent greenish, and percent injury tolerance.
M4G	Fair Green Mixed. General quality of X4, C4, and T4, heavy to tissuey bo immature, and 20 percent inj tolerance.
M5G	Low Green Mixed. General quality of X5, C5, and T5, heavy to tissuey bo immature, and 30 percent inj tolerance.

[35 FR 10490, June 27, 1970, as amended 49 FR 16758, Apr. 20, 1984; 51 FR 4040 Nov. 7, 1986; 55 FR 40645, Oct. 4, 1990]

§ 29.3156 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group.

Grades	*Grade names and specifications*
N1L	First Quality Light Colored Nondescript Thin to tissuey body and 60 percent injury tolerance.
N1F	First Quality Medium Colored Nondescript Fleshy to medium body and 60 percent injury tolerance.
N1R	First Quality Dark Colored Nondescript Heavy to fleshy body and 60 percent injury tolerance.
N1G	First Quality Crude Green Nondescript 60 percent crude leaves or injury tolerance.
N2L	Second Quality Light to Medium Colored Nondescript Medium to tissuey body and over 60 percent injury tolerance.
N2R	Second Quality Medium to Dark Colored Nondescript Heavy to medium body and over 60 percent injury tolerance.
N2G	Second Quality Crude Green Nondescript Over 60 percent crude leaves or injury tolerance.

[24 FR 8771, Oct. 29, 1959, as amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3157 Scrap (S Group).

A by-product of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

Grades	*Grade names and specifications*
S	Scrap. Loose, tangled, whole, or broken unstemmed leaves, or web portions of tobacco leaves reduced to scrap by any process.

[24 FR 8771, Oct. 29, 1959, as amended at 49 FR 16758, Apr. 20, 1984]

SUMMARY OF STANDARD GRADES

§ 29.3181 Summary of standard grades.

14 Grades of Flying

X1L	X5L	X4F	X4G
X2L	X1F	X5F	X5G
X3L	X2F	X4M	
X4L	X3F	X5M	

21 Grades of Lugs or Cutters

C1L	C2F	C5K	C5V
C2L	C3F	C3M	C4G
C3L	C4F	C4M	C5G
C4L	C5F	C5M	
C5L	C3K	C3V	
C1F	C4K	C4V	

39 Grades of Leaf

B1F	B3FR	B3K	B3VR
B2F	B4FR	B4K	B4VR
B3F	B5FR	B5K	B5VR
B4F	B1R	B2M	B3GF
B5F	B2R	B3M	B4GF
B2FL	B3R	B4M	B5GF
B3FL	B4R	B5M	B3GR
B4FL	B5R	B3VF	B4GR
B1FR	B4D	B4VF	B5GR
B2FR	B5D	B5VF	

21 Grades of Tips

T3F	T3R	T5K	T5GF
T4F	T4R	T4VF	T4GR
T5F	T5R	T5VF	T5GR
T3FR	T4D	T4VR	
T4FR	T5D	T5VR	
T5FR	T4K	T4GF	

8 Grades of Mixed Group

M3F	M5F	M4FR	M4K
M4F	M3FR	M5FR	M5K

7 Grades of Nondescript

N1L	N1R	N2L	N2G
N1F	N1G	N2R	

1 Grade of Scrap

S

Special factors "U", "W" and "S" may be applied to all grades. Tobacco not covered by the standard grades is designated by No-G or No-G-Nested.

[24 FR 8771, Oct. 29, 1959, as amended at 35 FR 10490, June 27, 1970; 47 FR 51722, Nov. 17, 1982; 49 FR 16758, Apr. 20, 1984; 51 FR 40407, Nov. 7, 1986]

KEY TO STANDARD GRADEMARKS

§ 29.3182 Key to standard grademarks.

Groups

X—Flyings.
C—Lugs or Cutters
B—Leaf.
T—Tips.
M—Mixed.
N—Nondescript.
S—Scrap.

Qualities

1—Choice.
2—Fine.
3—Good.
4—Fair.
5—Low.

Colors

L—Buff.
F—Tan.
FL—Tannish buff.
FR—Tannish red.
R—Red.
D—Dark red.
K—Variegated.
M—Mixed.
V—Greenish.
VF—Greenish tan.
VR—Greenish red.
G—Green.
GF—Green tan.
GR—Green red.

[24 FR 8771, Oct. 29, 1959, as amended at 51 FR 40407, Nov. 7, 1986]

OFFICIAL STANDARD GRADES FOR MARYLAND BROADLEAF TOBACCO (U.S. TYPE 32 AND FOREIGN TYPE 94)

SOURCE: Sections 29.3251 to 29.3401 appear at 34 FR 5590, Mar. 25, 1969, unless otherwise noted.

DEFINITIONS

§ 29.3251 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.3252 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent house-burn and barn-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.3253 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.3254 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.3371.)

§ 29.3255 Class.

A major division of tobacco based on characteristics caused by varieties, soils, or climatic conditions, or by the method of cultivation, harvesting, or curing.

§ 29.3256 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See Rule 4, § 29.3335.)

§ 29.3257 Color.

The third factor of the grade based on relative hues, saturations or chromas, and color values common to the type. Basic colors of Maryland Broadleaf tobacco are red, yellow, and green. The saturation of each color determines its degree of difference in vividness of hue and is expressed as follows:

(a) *Tan.* A light reddish yellow in hue, of high saturation and medium brilliance.

(b) *Cherry red.* A yellowish red in hue; a light to medium brown color of very high saturation and medium brilliance.

(c) *Red.* A reddish red yellow in hue; a medium to dark reddish-brown color of medium saturation and low brilliance.

(d) *Brown.* A reddish red yellow in hue; a very dark shade of brown color of low saturation and low brilliance.

(e) *Greenish.* A greenish reddish yellow or a greenish yellowish red in hue. (See definition, § 29.3270, and Rule 17, § 29.3348.)

(f) *Green.* Of the color green, the hue of which is somewhat less than that of fresh-growing grass. (See definition, § 29.3269, and Rule 18, § 29.3349.)

(g) *Variegated.* Diversified in external appearance with different colors, or an off color. (See definition, § 29.3307, and Rule 16, § 29.3347.)

§ 29.3258 Color symbols.

As applied to Maryland Broadleaf tobacco color symbols are: L—Tan, F—Cherry red, R—Red, D—Brown, V—Greenish, G—Green, K—Variegated.

§ 29.3259 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged. Maryland Broadleaf is air-dried or steam-dried for storage and aging.

§ 29.3260 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.3261 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 21, § 29.3352.)

§ 29.3262 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 22, § 29.3353.)

§ 29.3263 Elements of quality.

Elements of quality and the degrees used in the specifications of the Official Standard Grades for Maryland Broadleaf, Types 32 and 94, are shown in § 29.3371. Words have been selected to describe the degrees of each element.

[34 FR 5590, Mar. 25, 1969, as amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3264 Finish.

The reflectance factor in color perception. As applied to tobacco colors, it is used to describe the clearness or brightness of a color or hue.

§ 29.3265 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, et cetera. Abnormal amounts of dirt or sand also are included. (See Rule 22, § 29.3353.)

§ 29.3266 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.3267 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.3268 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter to indicate color. For example, C2L means Bright-crop, second quality, and tan color.

§ 29.3269 Green (G).

A color term applied to crude or immature tobacco. Any leaf which is crude to the extent of 20 percent or more or has a green color affecting 20 percent or more of its surface may be described as green. (See Rule 18, § 29.3349.)

§ 29.3270 Greenish or unripe (V).

A color term applied to relatively thin unripe tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See Rule 17, § 29.3348.)

§ 29.3271 Group.

A division of a type covering several closely related grades based on certain characteristics which are related to stalk position or the general quality of the tobacco. Groups in Maryland Broadleaf, Types 32 and 94, are: Seconds (X), Bright-crop or Thin-crop

(C), Dull-crop or Heavy-crop (B), Tips (T), Nondescript (N), and Scrap (S).

[34 FR 5590, Mar. 25, 1969, as amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3272 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage, § 29.3261; chart, § 29.3371; and Rule 15, § 29.3346.)

§ 29.3273 Leaf.

Whole, unstemmed leaf. Leaf, when applied to tobacco in strip form, shall describe the divided unit of a whole leaf.

[49 FR 16758, Apr. 20, 1984]

§ 29.3274 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3275 Leaf structure.

The cell development of a leaf as indicated by its porosity or solidity. (See chart, § 29.3371.)

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3276 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. Length, as an element of quality, does not apply to tobacco in strip form. (See chart, § 29.3371.)

[34 FR 5590, Mar. 25, 1969. Redesignated and amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3277 Lot.

A pile, basket, bulk, hack, burden, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3278 Maryland Broadleaf, Type 32.

That type of air-cured tobacco also known as Southern Maryland or Maryland Air-cured tobacco produced principally in southern Maryland.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3279 Maryland Broadleaf, Type 94.

That type of air-cured tobacco known as Foreign-grown Maryland Broadleaf produced in countries other than the United States.

[49 FR 16758, Apr. 20, 1984]

§ 29.3280 Maturity.

The degree of ripeness. (See chart, § 29.3371.) The degrees of maturity are:

(a) *Mellow.* The highest degree of maturity in Types 32 and 94 tobacco. Tobacco of a soft, dry nature which is fluffy, fairly tender, and having a very open leaf structure resulting from extreme ripeness. It may contain a material amount of injury associated with overripeness.

(b) *Ripe.* The degree of maturity under mellow. Any leaf which has reached completeness or is thoroughly ripe, somewhat firmer in leaf structure than mellow tobacco but having an open to firm leaf structure, and may show injury characteristic of ripeness.

(c) *Mature.* The intermediate degree of maturity. Any leaf which has attained full development or completeness of growth. Tobacco which is just mature but lacking in quality characteristics associated with ripe tobacco. It may have a slight greenish color and firm to close leaf structure.

(d) *Unripe.* The degree of maturity used to describe any tobacco which has not reached full development or completeness of growth, or any unripe leaf which has a pale green color affecting 20 percent or more of its leaf surface may be described as greenish or unripe. Unripe tobacco is normally characterized by its slick surface and close or tight leaf structure.

(e) *Immature.* The lowest degree of maturity which is used to describe any tobacco that is green or undeveloped. Any leaf which has a green color affecting 20 percent or more of its leaf surface may be described as green or immature.

(f) *Crude.* A subdegree of maturity. Crude leaves are usually hard and compact and may be grayish or off colored as a result of extreme immaturity. A similar condition may result from sunburn or sunscald. Crude tobacco may or may not be green in color. Any leaf which is crude to the extent of 20 percent or more of its leaf surface may be described as crude.

[34 FR 5590, Mar. 25, 1969. Redesignated and amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3281 Nested.

Any lot of Type 32 tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes:

(a) Any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged;

(b) Any lot of tied tobacco which contains foreign matter in the inner portions of the hands or which contains foreign matter in the heads under the tie leaves;

(c) Any lot of tied tobacco in which the leaves on the outside of the hands are placed or arranged to conceal inferior quality leaves on the inside of the hands or which contains wet tobacco or tobacco of lower quality in the heads under the tie leaves;

(d) Any lot of tobacco which consists of distinctly different grades, qualities, or conditions and which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers. (See Rule 22, § 29.3353.)

[34 FR 5590, Mar. 25, 1969. Redesignated and amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3282 No-G.

A designation applied to a lot of tobacco classified as rework, nested, offtype, semicured; tobacco that is damaged 20 percent or more, abnormally dirty, or extremely wet or watered; or tobacco that contains foreign matter or has an odor foreign to the type. (See Rule 22, § 29.3353.)

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3283 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Maryland Broadleaf, Types 32 and 94. Upper Country tobacco, Type 32b, is not considered offtype. (See definitions of No-G, § 29.3280; Upper Country, § 29.3306; and Rule 22, § 29.3353.)

[34 FR 5590, Mar. 25, 1969. Redesignated and amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3284 Order (case).

The state of tobacco with respect to its moisture content.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3285 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3286 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3287 Quality.

A division of a group or the second factor of a grade, based upon the relative degree of one or more elements of quality in tobacco.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3288 Raw.

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3289 Rework.

Any lot of Type 32 tobacco which is (a) so mixed that it cannot be classified properly in any grade of the type because the lot contains a substantial quantity of two or more distinctly different grades; and (b) not packed straight or otherwise not properly prepared for market.

[46 FR 47213, Sept. 2, 1981. Redesignated and amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3290 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, frozen tobacco, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See Rule 22, § 29.3353.)

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3291 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3292 Sound.

Free of damage.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3293 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See Rules 10, § 29.3341; 20, § 29.3351; 21, § 29.3352; 23, § 29.3354.)

[34 FR 5590, Mar. 25, 1969. Redesignated and amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3294 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3295 Stem.

The midrib or large central vein of a tobacco leaf.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3296 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3297 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3298 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3299 Sweating.

The condition of tobacco in the process of fermentation.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3300 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, threshing, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, siftings, or dust.

[34 FR 5590, Mar. 25, 1969. Redesignated and amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3301 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3302 **Type.**

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3303 **Type 32.**

That type of air-cured tobacco commonly known as Southern Maryland tobacco or Maryland Air-cured and produced principally in southern Maryland.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3304 **Type 94.**

That type of air-cured tobacco known as Foreign-grown Maryland Broadleaf tobacco produced in countries other than the United States.

[49 FR 16758, Apr. 20, 1984]

§ 29.3305 **Undried.**

The condition of unfermented tobacco which has not been air-dried or steam-dried.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3306 **Uniformity.**

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed as percentages in the grade specifications. (See chart, § 29.3371; and Rule 14, § 29.3345.)

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3307 **Unsound (U).**

Damaged under 20 percent. (See Rule 21, § 29.3352.)

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3308 **Unstemmed.**

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3309 **Upper Country.**

Burley strains and tobacco known as "Upper Country," which do not have the characteristics of varieties commonly grown in southern Maryland, are classified as Type 32b.

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3310 **Variegated (K).**

Any leaf of which 20 percent or more of its surface is pale grayish yellow, gray, mottled, bleached, or stained and does not blend with the normal colors of the type or group and is characterized by a lower degree of leaf structure and maturity than tobacco of corresponding group and quality in the normal colors. (See Rule 16, § 29.3347.)

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3311 **Wet (W).**

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 20, § 29.3351.)

[34 FR 5590, Mar. 25, 1969. Redesignated at 49 FR 16758, Apr. 20, 1984]

§ 29.3312 **Width.**

The relative breadth of a tobacco leaf expressed in relation to its length. Width, as an element of quality, does not apply to tobacco in strip form. (See chart, § 29.3371.)

[34 FR 5590, Mar. 25, 1969. Redesignated and amended at 49 FR 16758, Apr. 20, 1984]

RULES

§ 29.3331 **Rules.**

The application of these official standard grades shall be in accordance with the following rules.

§ 29.3332 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.3333 Rule 2.

The determination of grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.3334 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. One break shall be made not more than 12 inches from the top of the package and one not more than 12 inches from the bottom. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

[34 FR 5590, Mar. 25, 1969, as amended at 49 FR 16758, Apr. 20, 1984]

§ 29.3335 Rule 4.

All standard grades must be clean.

§ 29.3336 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.3337 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.3338 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.3339 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.3340 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over 1 percent of the tobacco shall be overlooked.

§ 29.3341 Rule 10.

Any special factor symbol approved by the Director of the Tobacco Division, Consumer and Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.3342 Rule 11.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

§ 29.3343 Rule 12.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.3344 Rule 13.

Any lot, except strip form, of Dull-crop or Heavy-crop tobacco or any lot of tobacco having the general characteristics of Dull-crop or Heavy-crop in which 25 percent or more of its leaves are under 16 inches in length shall be designated as Tip group (T).

[34 FR 5590, Mar. 25, 1969, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3345 Rule 14.

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. (These percentages shall not affect limitations established by other rules.) The minor portion must be of a closely related group, quality, and color.

§ 29.3346 Rule 15.

The application of injury tolerance as an element of quality shall be expressed in terms of percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the percent a lot contains. In appraising injury only detrimental injury such as portions decomposed by field diseases, field-firing, pole-burning, barn-burning, or wasted portions shall be considered. Physical characteristics associated with normal ripeness shall not be construed as detrimental injury and shall be overlooked in quality determination.

§ 29.3347 Rule 16.

Variegated tobacco may be included in any group as follows: In the second quality, 10 percent; and in the third quality up to 20 percent. Any lot of tobacco containing 20 percent or more of variegated leaves that are lower in maturity and tighter in leaf structure than tobaccos of normal colors for the group shall be described as "variegated" and designated by the color symbol "K."

§ 29.3348 Rule 17.

Any lot of unripe tobacco, any lot of tobacco containing 20 percent or more of greenish leaves, or any lot which contains 20 percent of greenish and green leaves combined shall be designated by the color symbol "V."

§ 29.3349 Rule 18.

Any lot of tobacco containing 20 percent or more of immature or green leaves, or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbol "G."

§ 29.3350 Rule 19.

Crude leaves shall not be included in any grade of any color except green. Any lot containing 20 percent or more of crude leaves shall be designated Nondescript.

§ 29.3351 Rule 20.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated "No-G."

§ 29.3352 Rule 21.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated "No-G."

§ 29.3353 Rule 22.

Tobacco shall be identified by the grademark "No-G" when it is dirty, nested, offtype, semicured, damaged 20 percent or more, extremely wet or watered, or needs to be reworked, contains foreign matter, or has an odor foreign to the type.

§ 29.3354 Rule 23.

Tobacco in strip form which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "S" preceding the grademark.

[49 FR 16759, Apr. 20, 1984]

ELEMENTS OF QUALITY

§ 29.3371 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value.

Elements	Degrees				
Body	Tissuey	Thin	Medium	Fleshy	Heavy.
Maturity	Mellow	Ripe	Mature	Unripe	Immatu
Leaf structure	Porous	Open	Firm	Close	Tight.
Width		Spready	Normal	Narrow	
Length	(1)	(1)	(1)	(1)	(1)
Uniformity	(2)	(2)	(2)	(2)	(2)
Injury tolerance	(3)	(3)	(3)	(3)	(3)

[1] Expressed in inches when applicable.
[2] Expressed in percentages.
[3] Expressed in percentages.

GRADES

§ 29.3385 Seconds (X Group).

This group consists of relatively thin leaves which show material injury characteristic of leaves grown near the ground or below the midpoint of the stalk. Cured Seconds normally have a flat, open face and are wider in relation to their length than leaves from a higher stalk position.

Grades	*Grade names and specifications*
X1L	Choice Quality Tan Seconds Tissuey, mellow, porous, 90 percent uniformity, and 10 percent injury tolerance.
X2L	Good Quality Tan Seconds Thin, ripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3L	Low Quality Tan Seconds. Thin, mature, open, 60 percent uniformity, and 40 percent injury tolerance.
X1F	Choice Quality Cherry-red Seconds Tissuey, mellow, porous, 90 percent uniformity, and 10 percent injury tolerance.
X2F	Good Quality Cherry-red Seconds Thin, ripe, open, 75 percent uniformity and 25 percent injury tolerance.
X3F	Low Quality Cherry-red Seconds Thin, mature, open, 60 percent uniformity, and 40 percent injury tolerance.
X2R	Good Quality Red Seconds Thin, ripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3R	Low Quality Red Seconds. Thin, mature, open, 60 percent uniformity, and 40 percent injury tolerance.
X2V	Good Quality Greenish Seconds Thin, unripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3V	Low Quality Greenish Seconds Thin, unripe, open, 60 percent uniformity, and 40 percent injury tolerance.
X2K	Good Quality Variegated Seconds Medium body, unripe, firm, percent uniformity, and 25 pe cent injury tolerance.
X3K	Low Quality Variegated Secon Medium body, unripe, clo 60 percent uniformity, and percent injury tolerance.
X2G	Good Quality Green Seconds Medium body, immature, fi 75 percent uniformity, and percent injury tolerance.
X3G	Low Quality Green Seconds Medium body, immatu close, 60 percent uniformi and 40 percent injury toleranc

[34 FR 5590, Mar. 25, 1969, as amended 49 FR 16759, Apr. 20, 1984]

§ 29.3386 Bright-crop or Thin-crop (Group).

This group consists of leaves usuall grown at the midpoint of the stalk Cured leaves from this stalk positio roll or curl and tend to conceal th stem or midrib. These leaves are of relatively thin body compared with th average body of the type. They ar spready in relation to their length an have an oblate tip. Little groun injury is found in leaves of this group Bright-crop or Thin-crop may also b described as first-bright, first-crop, o crop.

Grades	*Grade names and specifications*
C1L	Choice Quality Tan Bright-crop Thin, ripe, open, spread over 18 inches in length, percent uniformity, and 10 pe cent injury tolerance.
C2L	Good Quality Tan Bright-crop Thin, ripe, open, norm width, over 16 inches in lengt 75 percent uniformity, and percent injury tolerance.
C3L	Low Quality Tan Bright-crop

Grades	Grade names and specifications
	Thin, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C1F	Choice Quality Cherry-red Bright-crop Thin, ripe, open, spready, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
C2F	Good Quality Cherry-red Bright-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3F	Low Quality Cherry-red Bright-crop Thin, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2R	Good Quality Red Bright-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3R	Low Quality Red Bright-crop Medium body, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2D	Good Quality Brown-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3D	Low Quality Brown Bright-crop Medium body, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2V	Good Quality Greenish Bright-crop Thin, unripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3V	Low Quality Greenish Bright-crop Medium body, unripe, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2K	Good Quality Variegated Bright-crop Medium body, unripe, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3K	Low Quality Variegated Bright-crop Medium body, unripe, close, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2G	Good Quality Green Bright-crop Medium body, immature, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3G	Low Quality Green Bright-crop Medium body, immature, close, narrow, 60 percent uniformity, and 40 percent injury tolerance.

[34 FR 5590, Mar. 25, 1969, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3387 Dull-crop or Heavy-crop (B Group).

This group consists of leaves usually grown above the midpoint of the stalk. Cured leaves from the upper stalk tend to fold face in and expose the stem or midrib. Upper stalk tobacco is of relatively heavy body compared with the average body of the type. Upper stalk leaves are narrow in relation to their length and have a pointed tip. Dull-crop or Heavy-crop may also be described as second-bright, dull, or semi-crop.

Grades	Grade names and specifications
B1F	Choice Quality Cherry-red Dull-crop Medium body, ripe, open, normal width, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
B2F	Good Quality Cherry-red Dull-crop Fleshy, mature, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3F	Low Quality Cherry-red Dull-crop Fleshy, mature, close, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B1R	Choice Quality Red Dull-crop Fleshy, ripe, firm, normal width, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
B2R	Good Quality Red Dull-crop Heavy, mature, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3R	Low Quality Red Dull-crop Heavy, mature, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2D	Good Quality Brown Dull-crop Heavy, mature, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3D	Low Quality Brown Dull-crop Heavy, mature, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2V	Good Quality Greenish Dull-crop Medium body, unripe, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3V	Low Quality Greenish Dull-crop

Grades	Grade names and specifications
	Fleshy, unripe, close, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2K	Good Quality Variegated Dull-crop Fleshy, unripe, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3K	Low Quality Variegated Dull-crop Heavy, unripe, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2G	Good Quality Green Dull-crop Fleshy, immature, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3G	Low Quality Green Dull-crop Heavy, immature, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.

[34 FR 5590, Mar. 25, 1969, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3388 Tips (T Group).

This group consists of leaves usually grown at the top of the stalk. These relatively narrow and sharp-pointed leaves have the general characteristics of Dull-crop or upper stalk tobacco. A slightly lower degree of maturity and leaf structure is usually associated with the normal state of underdevelopment in Tips. Slightly heavier body results from a combination of substance and lower porosity.

Grades	Grade names and specifications
T1F	Choice Quality Cherry-red Tips Medium body, ripe, open, normal width, 25 percent or more 16 inches or under in length, 90 percent uniformity and 10 percent injury tolerance.
T2F	Choice Quality Cherry-red Tips Fleshy, mature, firm, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3F	Low Quality Cherry-red Tips Fleshy, mature, firm, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T1R	Choice Quality Red Tips Fleshy, ripe, firm, width, 25 percent or mo inches or under in leng percent uniformity, and 1 cent injury tolerance.
T2R	Good Quality Red Tips. Heavy, mature, close, width, 25 percent or mo inches or under in lengt percent uniformity, and 2 cent injury tolerance.
T3R	Low Quality Red Tips Heavy, mature, tight, n 25 percent or more 16 or under in length, 60 p uniformity, and 40 percent tolerance.
T2D	Good Quality Brown Tips Heavy, mature, close, n width, 25 percent or mor inches or under in lengt percent uniformity, and 25 cent injury tolerance.
T3D	Low Quality Brown Tips Heavy, mature, tight, na 25 percent or more 16 in or under in length, 60 pe uniformity, and 40 percent tolerance.
T2V	Good Quality Greenish Tips Fleshy, unripe, firm, no width, 25 percent or more inches or under in length percent uniformity, and 25 cent injury tolerance.
T3V	Low Quality Greenish Tips Fleshy, unripe, close, na 25 percent or more 16 in or under in length, 60 pe uniformity, and 40 percent tolerance.
T2K	Good Quality Variegated Tips Fleshy, unripe, close, no width, 25 percent or more inches or under in length percent uniformity, and 25 cent injury tolerance.
T3K	Low Quality Variegated Tips Heavy, unripe, tight, nar 25 percent or more 16 in or under in length, 60 per uniformity, and 40 percent in tolerance.
T2G	Good Quality Green Tips Fleshy, immature, cl normal width, 25 percent more 16 inches or unde length, 75 percent unifor and 25 percent injury tolera
T3G	Low Quality Green Tips Heavy, immature, narrow, 25 percent or more inches or under in length, percent uniformity, and 40 cent injury tolerance.

[34 FR 5590, Mar. 25, 1969, as amended
49 FR 16759, Apr. 20, 1984]

§ 29.3389 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except Scrap.

Grades	*Grade names and specifications*
N1L	Best Thin-bodied Nondescript From the X and C groups; 60 percent injury tolerance.
N1F	Best Medium-bodied Nondescript From the C, B, and T groups; 60 percent injury tolerance.
N1R	Best Heavy-bodied Nondescript From the B and T groups; 60 percent injury tolerance.
N1G	Best Crude of Crude Green Nondescript Tolerance, 60 percent crude leaves or injury.
N2	Substandard Nondescript Nondescript of any group, quality, or color; tolerance, over 60 percent crude leaves or injury.

[34 FR 5590, Mar. 25, 1969, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3390 Scrap (S Group).

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

Grades	*Grade names and specifications*
S	Scrap. Loose, tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

[34 FR 5590, Mar. 25, 1969, as amended at 49 FR 16759, Apr. 20, 1984]

SUMMARY OF STANDARD GRADES

§ 29.3395 Summary of standard grades.

MATURE TO MELLOW GRADES

Seconds

X1L	X3L	X2F	X2R
X2L	X1F	X3F	X3R

Bright-crop or Thin-crop

C1L	C1F	C2R	C3D
C2L	C2F	C3R	

MATURE TO MELLOW GRADES—Continued

Seconds

C3L	C3F	C2D	

Dull-crop or Heavy-crop

B1F	B3F	B2R	B2D
B2F	B1R	B3R	B3D

Tips

T1F	T3F	T2R	T2D
T2F	T1R	T3R	T3D

UNRIPE GRADE

Seconds

X2V	X3V	X2K	X3K

Bright-crop or Thin-crop

C2V	C3V	C2K	C3K

Dull-crop or Heavy-crop

B2V	B3V	B2K	B3K

Tips

T2V	T3V	T2K	T3K

IMMATURE GRADES

Seconds

X2G	X3G

Bright-crop or Thin-crop

C2G	C3G

Dull-crop or Heavy-crop

B2G	B3G

Tips

T2G	T3G

Nondescript

N1L	N1F	N1R	N1G
N2			

Scrap

S

Special factors "U", "W" and "S" may be applied to all grades. Tobacco not covered by the standard grades is designated No-G.

[34 FR 5590, Mar. 25, 1969, as amended at 49 FR 16759, Apr. 20, 1984]

KEY TO STANDARD GRADEMARKS

§ 29.3401 Key to standard grademarks.

Groups

X—Seconds.
C—Bright-crop or Thin-crop.
B—Dull-crop or Heavy-crop.
T—Tips.
N—Nondescript.
S—Scrap.

Qualities

1—Choice.
2—Good.
3—Low.

Colors

L—Tan.
F—Cherry red.
R—Red.
D—Brown.
V—Greenish.
K—Variegated.
G—Green.

OFFICIAL STANDARD GRADES FOR DARK AIR-CURED TOBACCO (U.S. TYPES 35, 36, 37 AND FOREIGN TYPE 95)

AUTHORITY: Sections 29.3501 to 29.3686 issued under 7 U.S.C. 511m and 511r.

SOURCE: Sections 29.3501 to 29.3686 appear at 30 FR 9207, July 23, 1965, unless otherwise noted.

DEFINITIONS

§ 29.3501 Definitions.

As used in §§ 29.3501 to 29.3686, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.3502 Air-cured.

Tobacco cured under natural atmospheric conditions without the use of fire, except for the purpose of preventing pole-burn in damp weather.

§ 29.3503 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.3504 Body.

The thickness and density of a leaf or the weight per unit of surface. (See Elements of Quality, § 29.3586.)

§ 29.3505 Brown colors.

A group of colors ranging from
light brown to a dark brown. Th
colors vary from medium to low sa
ration and from medium to very l
brillance. As used in these standar
the colors are expressed as light bro
(L), medium brown (F), reddish bro
(R), and dark brown (D).

§ 29.3506 Class.

A major division of tobacco based
method of cure or principal usage.

§ 29.3507 Clean.

Tobacco is described as clean when
contains only a normal amount
sand or soil particles. Leaves grown
the lower portion of the stalk norm
ly contain more dirt or sand th
those from higher stalk positions. (S
Rule 4, § 29.3605.)

§ 29.3508 Color.

The third factor of a grade based
the relative hues, saturations or chr
mas, and color values common to t
type.

§ 29.3509 Color intensity.

The varying degree of saturation
chroma. Color intensity as applied
tobacco describes the strength
weakness of a specific color or hue.
is applicable to all colors except gree
(See Elements of Quality, § 29.3586.)

§ 29.3510 Color symbols.

As applied to Dark Air-cured toba
co, color symbols are L—light brow
F—medium brown, R—reddish brow
D—dark brown, M—mixed, and G
green.

§ 29.3511 Condition.

The state of tobacco which resul
from the method of preparation
from the degree of fermentatio
Words used to describe the conditi
of tobacco are: Undried, air-drie
steam-dried, sweating, sweated, a
aged.

§ 29.3512 Crude.

A subdegree of maturity. Cru
leaves are usually hard and slick as
result of extreme immaturity. A sim

lar condition may result from firekill, sunburn, or sunscald. Any leaf which is crude to the extent of 20 percent or more of its leaf surface may be described as crude. (See Rule 20, § 29.3621.)

§ 29.3513 Cured.

Tobacco dried oı its sap by either natural or artificial processes.

§ 29.3514 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 24, § 29.3625.)

§ 29.3515 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 24, § 29.3625.)

§ 29.3516 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See Elements of Quality, § 29.3586.)

§ 29.3517 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf. (See Elements of Quality, § 29.3586.)

§ 29.3518 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, and rubber bands. Abnormal amounts of dirt or sand are also included. (See Rule 24, § 29.3625.)

§ 29.3519 Form.

The stage of preparation of tobacco such as unstemmed or stemmed.

§ 29.3520 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.3521 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. For example, B3D means Heavy Leaf, third quality, and dark-brown color.

§ 29.3522 Green (G).

A term applied to green-colored, immature, or crude tobacco. Any leaf which has a green color affecting 20 percent or more of its leaf surface may be described as green. (See Rule 19, § 29.3620.)

§ 29.3523 Group.

A division of a type covering closely related grades based on certain characteristics which are related to stalk position, body, or the general quality of the tobacco. Groups in Dark Air-cured types are: Wrappers (A), Heavy Leaf (B), Thin Leaf (C), Lugs (X), Nondescript (N), and Scrap (S).

[51 FR 40408, Nov. 7, 1986]

§ 29.3524 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage, § 29.3514.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or cesses; or improper fertilizing, harvesting, curing, or handling. Injured tobacco includes dead, burned, hail-cut torn, broken, frostbitten, sunburned, sunscalded, scorched, fire-killed, bulk-burnt, steam-burnt, house-burnt bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See Rule 15, § 29.3616.)

§ 29.3525 Leaf.

Whole, unstemmed leaf. Leaf, when applied to tobacco in strip form, shall describe the divided unit of a whole leaf.

[49 FR 16759, Apr. 20, 1984]

§ 29.3526 Leaf scrap.

A byproduct of unstemmed tobacco Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3527 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See Elements of Quality, § 29.3586.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3528 Leaf surface.

The roughness or smoothness of the web or lamina of a tobacco leaf. Leaf surface is affected to some extent by the size and shrinkage of the veins or fibers (See Elements of Quality, § 29.3586.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3529 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See Standard Tobacco Sizes, § 29.3591.)

[51 FR 40408, Nov. 7, 1986]

§ 29.3530 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3531 Maturity.

The degree of ripeness. (See Elements of Quality, § 29.3586, and Rule 16, § 29.3617.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3532 Mixed (M).

Variegated or distinctly different colors of the type mingled together. (See Rules 17, § 29.3618; 18, § 29.3619.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3533 Nested.

Any lot of Types 35, 36 and 37 tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes:

(a) Any lot of tobacco which cor tains foreign matter or damaged, ir jured, tangled, or other inferior tobac co, any of which cannot be readily de tected upon inspection because of th way the lot is packed or arranged; (b any lot of tied tobacco which contain foreign matter in the inner portions o the hands or which contains foreig matter in the heads under the ti leaves; (c) any lot of tied tobacco i which the leaves on the outside of th hands are placed or arranged to con ceal inferior quality leaves on th inside of the hands or which contain wet tobacco or tobacco of lower qual ity in the heads under the tie leaves and (d) any lot of tobacco which consists of distinctly different grades qualities, or conditions and which i stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, o condition from the tobacco in the top or upper layers. (See Rule 24 § 29.3625.)

[30 FR 9207, July 23, 1965. Redesignatec and amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3534 No grade.

A designation applied to a lot of tobacco classified as nested, offtype, rework, or semicured; tobacco that is damaged 20 percent or more, abnormally dirty, extremely wet or watered, contains foreign matter, or has an odor foreign to the type. (See Rule 24, § 29.3625.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3535 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Dark Air-cured, U.S. Type 35, 36, 37, or Foreign Type 95. (See Rule 24, § 29.3625.)

[30 FR 9207, July 23, 1965. Redesignated and amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3536 Order (case).

The state of tobacco with respect to its moisture content.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3537 **Package.**

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3538 **Packing.**

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3539 **Quality.**

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality in tobacco.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3540 **Raw.**

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3541 **Resweated.**

The condition of tobacco which has passed through a second fermentation under abnormally high temperatures or refermented with a relatively high percentage of moisture. Resweated includes tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3542 **Rework.**

Any lot of Types 35, 36, and 37 tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including:

(a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting;

(b) Tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and

(c) Tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market. (See Rule 24, § 29.3625.)

[30 FR 9207, July 23, 1965. Redesignated and amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3543 **Semicured.**

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, frozen tobacco, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See Rule 24, § 29.3625.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3544 **Side.**

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3545 **Size.**

The length of tobacco leaves. Size does not apply to tobacco in strip form. (See Standard Tobacco Sizes § 29.3591.)

[51 FR 40408, Nov. 7, 1986]

§ 29.3546 **Sound.**

Free of damage.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3547 **Special factor.**

A symbol or term authorized to designate a peculiar side or characteristic which tends to modify a grade. (See Rules 21, § 29.3622; 22, § 29.3623; 23, § 29.3624.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3548 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3549 Stem.

The midrib or large central vein of a tobacco leaf.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3550 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3551 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3552 Subgrade.

Any grade modified by a special factor symbol.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3553 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3554 Sweating.

The condition of tobacco in the process of fermentation.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3555 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, threshing, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

[30 FR 9207, July 23, 1965. Redesignated and amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3556 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3557 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3558 Type 35.

That type of air-cured tobacco commonly known as One Sucker Air-cured, Kentucky-Tennessee-Indiana One Sucker, or Dark Air-cured One Sucker, including the upper Cumberland District One Sucker, and produced principally in northern Tennessee, south central Kentucky, and southern Indiana.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3559 Type 36.

That type of air-cured tobacco commonly known as Green River, Green River Air-cured, or Dark Air-cured of the Henderson and Owensboro Districts, and produced principally in the Green River section of Kentucky.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3560 Type 37.

That type of air-cured or sun-cured tobacco commonly known as Virginia Sun-cured, Virginia Sun and Air-cured, or Dark Air-cured of Virginia, and produced principally in the central section of Virginia north of the James River.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3561 Type 95.

That type of air-cured tobacco commonly known as Foreign-grown Dark Air-cured produced in countries other than the United States.

[49 FR 16759, Apr. 20, 1984]

§ 29.3562 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3563 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed in grade specifications as a percentage. The percentage is applicable to group, quality, and color. (See Rule 14, § 29.3615.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3564 Unsound (U).

Damaged under 20 percent. (See Rule 21, § 29.3622.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3565 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3566 Variegated.

Any leaf of which 20 percent or more of its leaf surface is off brown, grayish, mottled, or bleached and does not blend with the normal colors of the type. (See Rules 17, § 29.3618; 18, § 29.3619.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3567 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe- or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 22, § 29.3623.) (For extremely wet or watered tobacco, see rule 24, § 29.3625.)

[30 FR 9207, July 23, 1965. Redesignated at 49 FR 16759, Apr. 20, 1984]

§ 29.3568 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. Width, as an element of quality, does not apply to tobacco in strip form. (See Elements of Quality, § 29.3586.)

[30 FR 9207, July 23, 1965. Redesignated and amended at 49 FR 16759, Apr. 20, 1984]

ELEMENTS OF QUALITY

§ 29.3586 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value, but the actual value of each degree varies with type, group, and grade.

Elements	Degrees			
Maturity	Immature	Underripe	Mature	Ripe.
Body		Thin	Medium	Heavy.
Leaf structure		Close	Firm	Open.
Leaf surface		Rough	Crepy	Smooth.
Oil		Lean	Oily	Rich.

Elements	Degrees		
Finish	Dull	Normal	Clear.
Color intensity	Pale	Moderate	Deep.
Elasticity	Inelastic	Semielastic	Elastic.
Width	Narrow	Normal	Spready.
Uniformity	(1)	(1)	(1).
Injury tolerance	(1)	(1)	(1).

[1] Expressed in percentage.

SIZES

§ 29.3591 Standard tobacco sizes.[1]

Inches	Sizes
12-20	1
20-28	2
Over 28	3

[1] The application of sizes is governed by the major portion of the lot or package.

[51 FR 40408, Nov. 7, 1986]

RULES

§ 29.3601 Rules.

The application of §§ 29.3501 to 29.3568, § 29.3591, §§ 29.3646 to 29.3648, §§ 29.3650 to 29.3652 and 29.3681 shall be in accordance with the following rules.

[51 FR 40408, Nov. 7, 1986]

§ 29.3602 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.3603 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.3604 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3605 Rule 4.

All standard grades must be clean.

§ 29.3606 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned it shall not thereafter be represented as such grade.

§ 29.3607 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.3608 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.3609 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.3610 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.3611 Rule 10.

Any special factor approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3612 Rule 11.

Interpretations, the use of specifications, and the meaning of the terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

§ 29.3613 Rule 12.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.3614 Rule 13.

Length shall be stated in connection with each grade of the A, B, and C groups, except strip grades, and may be stated in connection with grades of other groups. For this purpose, the standard tobacco sizes shall be used. (See Applicable Standard Sizes, § 29.3681.)

[51 FR 40408, Nov. 7, 1986]

§ 29.3615 Rule 14.

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. The minor portion must be closely related but may be of a different group, quality, and color from the major portion. These percentages shall not affect limitations established by other rules.

§ 29.3616 Rule 15.

The application of injury as an element of quality shall be expressed in terms of a percentage of tolerance. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group as related to injury.

§ 29.3617 Rule 16.

Normal injury associated with ripeness shall be excluded from injury tolerance except when such injury is considered detrimental to the quality of the tobacco.

§ 29.3618 Rule 17.

Any lot of tobacco which is not green but contains over 30 percent of variegated leaves shall be described as "variegated" and designated by the color symbol "M." Variegated leaves may be included in any group to the following extent: In the third quality, 10 percent; in the fourth quality, 20 percent; and in the fifth quality, 30 percent.

§ 29.3619 Rule 18.

Any lot of tobacco of the B, C, or X groups shall be classified as "mixed" and designated by the color symbol "M" when it is not green but contains (a) over 30 percent of colors distinctly different from the major color or (b) over 30 percent of a combination of variegated and colors distinctly different from the major color mingled together.

[51 FR 40408, Nov. 7, 1986]

§ 29.3620 Rule 19.

Any lot of tobacco containing 20 percent or more of green leaves or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbol "G."

§ 29.3621 Rule 20.

Crude leaves shall not be included in any grade of any color except the fourth and fifth qualities of the B, C, and X groups in green color. Any lot containing 20 percent or more of crude leaves shall be designated as Nondescript.

[51 FR 40408, Nov. 7, 1986]

§ 29.3622 Rule 21.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated "No-G."

§ 29.3623 Rule 22.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated "No-G."

§ 29.3624 Rule 23.

Special factors "BH" (big heads) and "BL" (broad leaf) shall be used as follows: "BH" in types 35 and 36 to designate tobacco tied in extremely big hands and "BL" in type 35 to designate broad leaf tobacco.

§ 29.3625 Rule 24.

Tobacco shall be designated as No Grade, using the grademark "No-G," when it is dirty, nested, offtype, semicured, damaged 20 percent or more, extremely wet or watered, or when it needs to be reworked, contains foreign matter, or has an odor foreign to the type.

§ 29.3626 Rule 25.

Tabacco in strip form which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "S" preceding the grademark.

[49 FR 16759, Apr. 20, 1984]

GRADES

§ 29.3646 Wrappers (A Group).

This group consists of leaves from the Heavy Leaf and the Thin Leaf groups. Cured leaves of the A group are very elastic, have small- to medium-sized and blending fibers, and show a low percentage of injury affecting wrapper yield.

Grades	*Grade names, minimum specifications, and tolerances*
A1F	Choice Quality Medium-brown Wrappers. Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity elastic, spready, and 20 percent of leaves not lower than B2 or C2.
A2F	Fine Quality Medium-brown Wrappers Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, elastic, spready and 30 percent of leaves not lower than B2 or C2.
A3F	Good Quality Medium-brown Wrappers. Ripe, medium body, open leaf structure, smooth, oily, clear finish, deep color intensity, elastic, normal width, and 40 percent of leaves not lower than B3 or C3.
A1R	Choice Quality Reddish-brown Wrappers. Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, elastic, spready, and 20 percent of leaves not lower than B2 or C2.
A2R	Fine Quality Reddish-brown Wrappers. Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, elastic, spready and 30 percent of leaves not lower than B2 or C2.
A3R	Good Quality Reddish-brown Wrappers. Ripe, medium body, open leaf structure, smooth, oily, clear finish, deep color intensity, elastic, normal width, and 40 percent of leaves not lower than B3 or C3.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3647 Heavy Leaf (B Group).

This group consists of leaves which are medium to heavy in body and show little or no ground injury.

Grades	*Grade names, minimum specifications, and tolerances*
B1F	Choice Quality Medium-brown Heavy Leaf. Ripe medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semielastic, spready, 90 percent uniform, and 10 percent injury tolerance.

Grades	Grade names, minimum specifications, and tolerances
B2F	Fine Quality Medium-brown Heavy Leaf. Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semielastic, spready, 85 percent uniform, and 15 percent injury tolerance.
B3F	Good Quality Medium-brown Heavy Leaf. Mature, medium body, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width 80 percent uniform, and 20 percent injury toleance.
B4F	Fair Quality Medium-brown Heavy Leaf. Mature, medium body, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5F	Low Quality Medium-brown Heavy Leaf. Underripe, medium body, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
B1R	Choice Quality Reddish-brown Heavy Leaf. Ripe, heavy, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semielastic, spready, 90 percent uniform, and 10 percent injury tolerance.
B2R	Fine Quality Reddish-brown Heavy Leaf. Ripe, heavy, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semi-elastic, spready, 85 percent uniform, and 15 percent injury tolerance.
B3R	Good Quality Reddish-brown Heavy Leaf. Mature, heavy, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4R	Fair Quality Reddish-brown Heavy Leaf. Mature, heavy, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5R	Low Quality Reddish-brown Heavy Leaf. Underripe, heavy, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
B1D	Choice Quality Dark-brown Heavy Leaf. Ripe, heavy, open leaf structure, smooth, rich in oil, normal finish, deep color intensity, semi-elastic, spready, 90 percent uniform, and 10 percent injury tolerance.
B2D	Fine Quality Dark-brown Heavy Leaf. Ripe, heavy, open leaf structure, smooth, rich in oil, normal finish, deep color intensity, semielastic, spready 85 percent uniform, and 15 percent injury tolerance.
B3D	Good Quality Dark-brown Heavy Leaf. Mature, heavy, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4D	Fair Quality Dark-brown Heavy Leaf. Mature, heavy, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5D	Low Quality Dark-brown Heavy Leaf. Underripe, heavy, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3M	Good Quality Mixed Heavy Leaf. Mature, medium body, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4M	Fair Quality Mixed Heavy Leaf. Mature, medium body, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5M	Low Quality Mixed Heavy Leaf. Underripe, medium body, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3G	Good Quality Green Heavy Leaf. Underripe, heavy, firm leaf structure crepy, oily, normal finish, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4G	Fair Quality Green Heavy Leaf.

Grades	Grade names, minimum specifications, and tolerances
	Immature, medium body, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5G	Low Quality Green Heavy Leaf. Immature, medium body, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3648 Thin Leaf (C Group).

This group consists of leaves that are thin to medium in body and show little or no ground injury.

Grades	Grade names, minimum specifications, and tolerances
C1L	Choice Quality Light-brown Thin Leaf. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, spready, 90 percent uniform, and 10 percent injury tolerance.
C2L	Fine Quality Light-brown Thin Leaf. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, spready, 85 percent uniform, and 15 percent injury tolerance.
C3L	Good Quality Light-brown Thin Leaf. Mature, thin, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4L	Fair Quality Light-brown Thin Leaf. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5L	Low Quality Light-brown Thin Leaf Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
C1F	Choice Quality Medium-brown Thin Leaf. Ripe, thin, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semi-elastic, spready, 90 percent uniform, and 10 percent injury tolerance.
C2F	Fine Quality Medium-brown Thin Leaf. Ripe, thin, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semi-elastic, spready, 85 percent uniform, and 15 percent injury tolerance.
C3F	Good Quality Medium-brown Thin Leaf. Mature, thin, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4F	Fair Quality Medium-brown Thin Leaf. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5F	Low Quality Medium-brown Thin Leaf. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
C1R	Choice Quality Reddish-brown Thin Leaf. Ripe, thin, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semi-elastic, spready, 90 percent uniform, and 10 percent injury tolerance.
C2R	Fine Quality Reddish-brown Thin Leaf. Ripe, thin, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semi-elastic, spready, 85 percent uniform, and 15 percent injury tolerance.
C3R	Good Quality Reddish-brown Thin Leaf. Mature, thin, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4R	Fair Quality Reddish-brown Thin Leaf. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5R	Low Quality Reddish-brown Thin Leaf.

Grades	Grade names, minimum specifications, and tolerances
	Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3M	Good Quality Mixed Thin Leaf. Mature, thin, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4M	Fair Quality Mixed Thin Leaf. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5M	Low Quality Mixed Thin Leaf. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3G	Good Quality Green Thin Leaf. Underripe, medium body, firm leaf structure, crepy, oily, normal finish, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4G	Fair Quality Green Thin Leaf. Immature, thin, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5G	Low Quality Green Thin Leaf. Immature, thin, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3649 [Reserved]

§ 29.3650 Lugs (X Group).

This group consists of leaves that normally grow on the lower portions of the stalk. Leaves of the X group usually have a high degree of maturity and show ground and other injury characteristic of the group.

Grades	Grade names, minimum specifications, and tolerances
X1L	Choice Quality Light-brown Lugs. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 90 percent uniform, and 10 percent injury tolerance.
X2L	Fine Quality Light-brown Lugs. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 85 percent uniform, and 15 percent injury tolerance.
X3L	Good Quality Light-brown Lugs. Mature, thin, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4L	Fair Quality Light-brown Lugs. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5L	Low Quality Light-brown Lugs. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
X1F	Choice Quality Medium-brown Lugs. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 90 percent uniform, and 10 percent injury tolerance.
X2F	Fine Quality Medium-brown Lugs. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 85 percent uniform, and 15 percent injury tolerance.
X3F	Good Quality Medium-brown Lugs. Mature, thin, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow 80 percent uniform, and 20 percent injury tolerance.
X4F	Fair Quality Medium-brown Lugs. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5F	Low Quality Medium-brown Lugs. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.

Grades	Grade names, minimum specifications, and tolerances
X1R	Choice Quality Reddish-brown Lugs. Ripe, medium body, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 90 percent uniform, and 10 percent injury tolerance.
X2R	Fine Quality Reddish-brown Lugs. Ripe, medium body, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 85 percent uniform, and 15 percent injury tolerance.
X3R	Good Quality Reddish-brown Lugs. Mature, medium body, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4R	Fair Quality Reddish-brown Lugs. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5R	Low Quality Reddish-brown Lugs. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
X3D	Good Quality Dark-brown Lugs. Mature, medium body, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4D	Fair Quality Dark-brown Lugs. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5D	Low Quality Dark-brown Lugs. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
X3M	Good Quality Mixed Lugs. Mature, thin, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4M	Fair Quality Mixed Lugs. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5M	Low Quality Mixed Lugs. Underripe, thin, close lea structure, rough, lean in oil, dul finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
X3G	Good Quality Green Lugs. Underripe, medium body, firm leaf structure, crepy, lean in oil, normal finish, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4G	Fair Quality Green Lugs. Immature, thin, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5G	Low Quality Green Lugs. Immature, thin, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3651 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lower grade of any other group except Scrap.

Grades	Grade names, minimum specifications, and tolerances
N1L	First Quality Light-colored Nondescript. Thin to medium body and 60 percent injury tolerance.
N2L	Second Quality Light-colored Nondescript. Thin to medium body and over 60 percent injury tolerance.
N1R	First Quality Dark-colored Nondescript. Thin to heavy body and 60 percent injury tolerance.
N2R	Second Quality Dark-colored Nondescript. Thin to heavy body and over 60 percent injury tolerance.
N1G	First Quality Crude Green Nondescript 60 percent crude leaves or injury tolerance.
N2G	Second Quality Crude Green Nondescript.

Grades	*Grade names, minimum specifications, and tolerances*
	Over 60 percent crude leaves or injury tolerance.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

§ 29.3652 Scrap (S Group).

A byproduct of stemmed and unstemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

Grades	*Grade name and specifications*
S	Scrap. Loose, tangled, whole, or broken unstemmed leaves; or the web portions of tobacco leaves reduced to scrap by any process.

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984]

SUMMARY OF STANDARD GRADES

§ 29.3676 Summary of standard grades.

6 Grades of Wrappers

A1F	A1R
A2F	A2R
A3F	A3R

21 Grades of Heavy Leaf

B1F	B1R	B1D		
B2F	B2R	B2D		
B3F	B3R	B3D	B3M	B3G
B4F	B4R	B4D	B4M	B4G
B5F	B5R	B5D	B5M	B5G

21 Grades of Thin Leaf

C1L	C1F	C1R		
C2L	C2F	C2R		
C3L	C3F	C3R	C3M	C3G
C4L	C4F	C4R	C4M	C4G
C5L	C5F	C5R	C5M	C5G

24 Grades of Lugs

X1L	X1F	X1R			
X2L	X2F	X2R			
X3L	X3F	X3R	X3D	X3M	X3G
X4L	X4F	X4R	X4D	X4M	X4G
X5L	X5F	X5R	X5D	X5M	X5G

6 Grades of Nondescript

N1L	N1R	N1G
N2L	N2R	N2G

1 Grade of Scrap
S

Special factors "U", "W", and "S" may be applied to all grades in all types, "BH" to grades in types 35 and 36, and "BL" to type 35. Tobacco not covered by the standard grades is designated "No-G."

[30 FR 9207, July 23, 1965, as amended at 49 FR 16759, Apr. 20, 1984; 51 FR 40408, Nov. 7, 1986]

APPLICABLE STANDARD SIZES

§ 29.3681 Applicable standard sizes.

Types 35, 36, 37 and 95	
A1, A2, A3	2, 3
B1, B2, B3, B4, B5	1, 2, 3
C1, C2, C3, C4, C5	1, 2, 3

[51 FR 40408, Nov. 7, 1986]

KEY TO STANDARD GRADEMARKS

§ 29.3686 Key to standard grademarks.

Group	*Qualities*	*Colors*
A—Wrappers	1—Choice	L—Light brown
B—Heavy Leaf	2—Fine	F—Medium brown
C—Thin Leaf	3—Good	R—Reddish brown
X—Lugs	4—Fair	D—Dark brown
N—Nondescript	5—Low	M—Mixed
S—Scrap		G—Green

[30 FR 9207, July 23, 1965, as amended at 51 FR 40408, Nov. 7, 1986]

OFFICIAL STANDARD GRADES FOR PENNSYLVANIA SEEDLEAF TOBACCO (U.S. TYPE 41)

SOURCE: Sections 29.4251 to 29.4391 appear at 28 FR 14482, Dec. 31, 1963, unless otherwise noted.

DEFINITIONS

§ 29.4251 Definitions.

As used in §§ 29.4251 through 29.4391, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.4252 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shedburn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.4253 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.4326.)

§ 29.4254 Burn.

The duration of combustion or length of time that a tobacco leaf will hold fire after ignition. (See Rule 17, § 29.4348.)

§ 29.4255 Case (order).

The state of tobacco with respect to its moisture content.

§ 29.4256 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.4257 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions.

[28 FR 14483, Dec. 31, 1963, as amended at 29 FR 16854, Dec. 9, 1964]

§ 29.4258 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.4259 Crude.

A subdegree of maturity.

[28 FR 14483, Dec. 31, 1963, as amended at 29 FR 16854, Dec. 9, 1964]

§ 29.4260 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.4261 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 16, § 29.4347.)

§ 29.4262 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand. (See Rule 16, § 29.4347.)

§ 29.4263 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.4326.

§ 29.4264 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, or strings. (See Rule 16, § 29.4347.)

§ 29.4265 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.4266 General quality.

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the restricted use of the term "quality" within a group.

§ 29.4267 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.4268 Grademark.

In this type a grademark normally consists of a letter to indicate group and a number to indicate quality. For example, C2 means Stripper, good quality.

§ 29.4269 Group.

A division of a type consisting of one or more grades based on certain characteristics which are related to stalk position or the general quality of the tobacco. Groups in this type are Stripper (C), Straight Stripped (X), Farm Filler (Y), and Nondescript (N). Throwout leaves not meeting C-group grade specifications will be included in the X and Y groups.

[28 FR 14483, Dec. 31, 1963, as amended at 29 FR 16854, Dec. 9, 1964]

§ 29.4270 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state but which is not serious enough to be classified as waste. (See definition of Damage, § 29.4261.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies, or excesses; or improper fertilizing, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frost-bitten, frozen, sunburned, sunscalded, bulk-burnt, pole-burnt, shed-burnt, pole-sweated, stem-rotted, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See Rule 13, § 29.4344.)

§ 29.4271 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.4272 Leaf-structure.

The cell development of a leaf as indicated by its porosity. (See chart, § 29.4326.)

§ 29.4273 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.4274 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.4275 Maturity.

The degree of ripeness. (See chart, § 29.4326.)

§ 29.4276 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See Rule 16, § 29.4347.)

§ 29.4278 Oil (life).

A soft, semifluid constituent of tobacco (See chart, § 29.4326.)

§ 29.4279 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Type 41. (See Rule 16, § 29.4347.)

§ 29.4280 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.4281 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.4282 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

§ 29.4283 Raw.

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.4284 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process (See Rule 16, § 29.4347.)

§ 29.4285 Side.

A certain phase of quality as contrasted with some other phase of quality, or any peculiar characteristic of tobacco.

§ 29.4286 Sound.

Free of damage.

[28 FR 14484, Dec. 31, 1963, as amended at 29 FR 16854, Dec. 9, 1964]

§ 29.4287 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.4288 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.4289 Stem rot.

The deterioration of an uncured or frozen stem resulting from bacterial action. Although stem rot results from bacterial action, it is inactive in cured tobacco and is treated as a kind of injury in this type. (See Rule 14, § 29.4345.)

§ 29.4290 Strength (tensile).

The stress a tobacco leaf can bear without tearing. (See chart, § 29.4326.)

§ 29.4291 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.4292 Sweated.

The condition of tobacco which has passed through one or more seasonal fermentations natural to tobacco packed with a normal percentage of moisture, or tobacco which has reached the same degree of fermentation under a "forced-sweat" process.

§ 29.4293 Tobacco.

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

§ 29.4294 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.4295 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.4296 Type 41.

That type of cigar-leaf tobacco commonly known as Pennsylvania Seedleaf or Pennsylvania Broadleaf, produced principally in Lancaster County, Pennsylvania, and adjoining counties, and including other areas of Pennsylvania and Maryland in which the seedleaf variety is grown.

§ 29.4297 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.4298 Uniformity.

A grade requirement designating the percentage of a lot or packing which must meet the specified degree of each element of quality. (See Rule 12, § 29.4343.)

§ 29.4299 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.4300 Unsweated.

The condition of cured tobacco which has not been sweated.

§ 29.4301 Waste.

The portion or portions of the web of tobacco leaves which, because of excessive injury, have been lost or rendered unserviceable for use in tobacco products. Waste includes:

(a) Portions which have decomposed or largely decomposed by field diseases, field-firing, pole-burning, or bulk-burning;

(b) Portions which have been sunburned; and

(c) Portions which are dead, trashy, and do not have sufficient strength or stability to hold together in the normal manufacturing process due to

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excessive injury of any kind. (See Rule 13, § 29.4344.)

[28 FR 14484, Dec. 31, 1963, as amended at 29 FR 16854, Dec. 9, 1964]

§ 29.4302 Wet (high-case).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order.

[28 FR 14484, Dec. 31, 1963, as amended at 29 FR 16854, Dec. 9, 1964]

§ 29.4303 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart, § 29.4326.)

ELEMENTS OF QUALITY

§ 29.4326 Elements of quality and degrees of each element.

Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees. These degrees are arranged to show their relative value and are used in determining the quality of tobacco.

Elements	Degrees		
Body	Thin	Medium	Heavy.
Maturity	Immature	Mature	Ripe.
Leaf structure	Close	Firm	Open.
Oil (life)	Lean	Oily	Rich.
Strength (tensile)	Weak	Normal	Strong.
Width	Narrow		Normal.
Length		([1])	

[1] Expressed in inches.

RULES

§ 29.4331 Rules.

The application of §§ 29.4251 through 29.4303 and §§ 29.4361 through 29.4364 shall be in accordance with the following rules.

§ 29.4332 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.4333 Rule 2.

The determination of grade shall be based upon a representative sample or a thorough examination of a packing of tobacco.

§ 29.4334 Rule 3.

The grade shall be based upon a representative sample of the lot or packing. A minimum of 10 percent of the bundles or bales shall be selected at random for sampling; a higher percentage may be sampled at the discretion of the inspector. To obtain the sample, a sufficient amount of tobacco shall be drawn to be representative of each selected bale. In determining the grade, the inspector shall consider the general quality of all samples. The grade assigned shall represent the quality of the lot or packing as a whole.

§ 29.4335 [Reserved]

§ 29.4336 Rule 5.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping from 6 to 8 inches or sufficiently to make a level, solid, and uniform pack. The sides of the bundles shall be completely covered with paper and tightly bound with not less than three large twines spaced so that the tobacco will be held securely together. Bailing paper shall not contain waterproofing materials, and both paper and twine shall be clean and free from any materials which could be injurious to the tobacco. Improperly packed tobacco shall be graded "No-G."

[28 FR 14484, Dec. 31, 1963, as amended at 29 FR 16854, Dec. 9, 1964]

§ 29.4337 Rule 6.

The grade assigned to any lot or packing of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot or packing of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.4338 Rule 7.

Any lot or packing of tobacco which meets the specifications of two grades shall be placed in the higher grade.

Any lot or packing of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.4339 Rule 8.

A lot or packing of tobacco meets the specifications of a grade when it is not lower in any element of quality than the degree stated in grade specifications and does not exceed the tolerance(s) of such grade.

§ 29.4340 Rule 9.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director of the Tobacco Division, Consumer and Marketing Service.

§ 29.4341 Rule 10.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.4342 Rule 11.

In determining the grade of a lot or packing of tobacco, the lot or packing as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.4343 Rule 12.

Uniformity shall be expressed in percentage. This percentage shall govern the portion of a lot or packing which must meet each Specification of the grade; the remaining portion must be closely related. The specified percentage of uniformity shall not affect limitations established by other rules.

§ 29.4344 Rule 13.

Injury and waste tolerances shall be expressed in percentages. The appraisal of injury and waste shall be based upon the percentage of affected leaf surface or the degree of injury, and consideration shall be given to the kinds of injury normal to the group. Stem rot is treated separately and may be included in any grade only as stated in § 29.4345.

§ 29.4345 Rule 14.

Stem rot shall not exceed 40 percent of the specified injury tolerance for any grade.

§ 29.4346 Rule 15.

Frozen or frostbitten tobacco shall be included only in N1 or N2.

[29 FR 16854, Dec. 9, 1964]

§ 29.4347 Rule 16.

Tobacco shall be graded "No-G" when it is damaged, dirty, nested, off-type, semicured, wet, improperly packed, contains foreign matter, has an odor foreign to the type, or does not meet the minimum specifications or exceeds either tolerance of the lowest grade of the C, X, and Y groups.

[28 FR 14485, Dec. 31, 1963, as amended at 29 FR 16854, Dec. 9, 1964]

§ 29.4348 Rule 17.

Burn shall be determined as the average burning time of leaves selected at random from the sample. A minimum of 10 leaves shall be selected as representative regardless of the number of bundles or bales in the lot. All burn tests shall be made on the same side of the leaf. The leaf shall be punctured to permit quick ignition when placed over a candle, alcohol lamp, or electrical-lighting device. Good burn shall average 5 seconds or longer; fair burn, 3 seconds; and poor burn, under 3 seconds. C1 shall require good burn and C2, fair burn.

GRADES

§ 29.4361 Stripper (C Group).

This group consists of tobacco from which trash and Farm Fillers have been removed. Tobacco of this group is locally known as "Wrappers."

U.S. grades	*Grade names, minimum specifications, and tolerances*
C1	Fine Quality Stripper. Medium body, ripe, open, rich in oil, strong, normal width, 22 inches or over in length. Uniformity, 80 percent. Tolerance: 10 percent injury.
C2	Good Quality Stripper.

U.S. grades	*Grade names, minimum specifications, and tolerances*
	Medium body, mature, firm, oily, normal strength and width, 18 inches or over in length. Uniformity, 80 percent. Tolerance: 20 percent injury of which 5 percent may be waste.
C3	Low Quality Stripper. Thin, immature, close, lean in oil, weak, narrow. Uniformity, 80 percent. Tolerances: 10 percent crude and 30 percent injury of which 10 percent may be waste.

§ 29.4362 Straight Stripped (X Group).

This group normally consists of tobacco from which trash and dirty fillers have been removed. Tobacco of this group is locally known as "Pull-off."

U.S. grades	*Grade names, minimum specifications, and tolerances*
X1	Fine Quality Straight Stripped. Medium body, ripe, firm, oily, normal strength and width. Uniformity, 80 percent. Tolerance: 20 percent injury of which 5 percent may be waste.
X2	Good Quality Straight Stripped. Medium body, mature, close, lean in oil, normal strength, narrow. Uniformity, 80 percent. Tolerance: 30 percent injury of which not over 10 percent may be waste.
X3	Low Quality Straight Stripped. Thin, immature, close, lean in oil, weak, narrow. Tolerances: less than 20 percent crude and 30 percent waste.

[28 FR 14485, Dec. 31, 1963, as amended at 29 FR 16854, Dec. 9, 1964]

§ 29.4363 Farm Filler (Y Group).

This group consists of tied tobacco and normally is tobacco from the lower portion of the stalk.

U.S. grades	*Grade names, minimum specifications, and tolerances*
Y1	Fine Quality Farm Filler. Thin, ripe, firm, lean in oil, normal strength. Uniformity, 80 percent. Tolerance: 20 percent waste.
Y2	Good Quality Farm Filler. Thin, immature, close, lean in oil, weak. Tolerances: 10 percent crude and 40 percent waste.

[28 FR 14485, Dec. 31, 1963, as amended at 29 FR 16854, Dec. 9, 1964]

§ 29.4364 Nondescript (N Group).

Frozen or frostbitten tobacco or tobacco which does not meet the minimum specifications or exceeds either tolerance of the lowest grade of any other group.

U.S. grades	*Grade names and specifications*
N1	Field frozen or frostbitten tobacco in safe-keeping order or case.
N2	Frozen or frostbitten tobacco which is wet or in doubtful-keeping order or case.
No-G	Tobacco which contains chicken dust, stone dust, or other foreign matter; is hail-cut or wasted in excess of the tolerances for X3 or Y2; is damaged, dirty, nested, offtype, semicured, wet, shingled or otherwise improperly packed; has an odor foreign to the type; contains 20 percent or more crude; or does not meet the minimum specifications of the lowest grade of the C, X, or Y groups.

[29 FR 16854, Dec. 9, 1964]

SUMMARY OF STANDARD GRADES

§ 29.4386 Summary of standard grades.

3 Grades of Stripper	*2 Grades of Farm Filler*
C1	Y1
C2	Y2
C3	

3 Grades of Straight Stripped	*3 Grades of Nondescript*
X1	N1
X2	N2
X3	No-G

[28 FR 14485, Dec. 31, 1963, as amended at 29 FR 16854, Dec. 9, 1964]

KEY TO STANDARD GRADEMARKS

§ 29.4391 Key to standard grademarks.

Groups	Qualities
C–Stripper	1–Fine
X–Straight Stripped	2–Good
Y–Farm Filler	3–Low
N–Nondescript	

OFFICIAL STANDARD GRADES FOR OHIO CIGAR-LEAF TOBACCO (U.S. TYPES 42, 43, AND 44)

SOURCE: Sections 29.4501 to 29.4656 appear at 28 FR 11719, Nov. 2, 1963, unless otherwise noted.

DEFINITIONS

§ 29.4501 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.4502 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.4503 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.4581.)

§ 29.4504 Case (order).

The state of tobacco with respect to its moisture content.

§ 29.4505 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.4506 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See Rule 4, § 29.4590.)

§ 29.4507 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.4508 Crude.

A subdegree of maturity. (See Rule 15, § 29.4601.)

§ 29.4509 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.4510 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 16, § 29.4602.)

§ 29.4511 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 16, § 29.4602.)

§ 29.4512 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.4581.

§ 29.4513 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings and rubber bands. (See Rule 16, § 29.4602.)

§ 29.4514 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.4515 General quality.

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the restricted use of the term "quality" within a group.

§ 29.4516 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.4517 Grademark.

In these types a grademark normally consists of a letter to indicate group and a number to indicate quality. For example, X2 means Straight Stripped, good quality.

§ 29.4518 Group.

A type division consisting of one or more grades which are based on the general quality of tobacco. Groups in these types are: Straight Stripped (X) and Nondescript (N).

§ 29.4519 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state, but which is not serious enough to be classified as waste. (See definition of Damage. § 29.4510.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilization, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frostbitten, frozen, sunburned, sunscalded, bulk-burnt, pole-burnt, shed-burnt, pole-sweated, stem-rotted, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See Rule 13, § 29.4599.)

§ 29.4520 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.4521 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See chart, § 29.4581.)

§ 29.4522 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.4523 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.4524 Maturity.

The degree of ripeness. (See chart § 29.4581.)

§ 29.4525 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See Rule 16, § 29.4602.)

§ 29.4526 No-G.

A designation applied to a lot of tobacco classified as damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type; or tobacco containing over 20 percent crude or over 60 percent waste. (See Rule 16, § 29.4602.)

§ 29.4527 Oil (life).

A soft, semifluid constituent of tobacco. (See chart, § 29.4581.)

§ 29.4528 Off type.

Tobacco of distinctly different characteristics which cannot be classified as Type 42, 43, or 44. (See Rule 16, § 29.4602.)

§ 29.4529 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.4530 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.4531 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

§ 29.4532 Raw.

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.4533 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts swelled stems, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See Rule 16, § 29.4602.)

§ 29.4534 Side.

A certain phase of quality as contrasted with some other phase of quality, or any peculiar characteristic of tobacco.

§ 29.4535 Sound.

Free of damage. (See Rule 4, § 29.4590.)

§ 29.4536 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.4537 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.4538 Stem rot.

The deterioration of an uncured or frozen stem resulting from bacterial action. Stem rot is inactive in cured tobacco and is treated as a kind of injury in these types. (See Rule 14, § 29.4600.)

§ 29.4539 Strength (tensile).

The stress a tobacco leaf can bear without tearing. (See chart, § 29.4581.)

§ 29.4540 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.4541 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.4542 Tobacco.

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

§ 29.4543 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.4544 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.4545 Type 42.

That type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana.

§ 29.4546 Type 43.

That type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana.

§ 29.4547 Type 44.

That type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio.

§ 29.4548 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.4549 Uniformity.

A grade requirement designating the percentage of a lot which must meet the specified degree of each element of quality. (See Rule 12, § 29.4598.)

§ 29.4550 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.4551 Unsweated.

The conditions of cured tobacco which has not been sweated.

§ 29.4552 Waste.

The portion or portions of the web of tobacco leaves which have been lost or rendered unserviceable for use in tobacco products. Waste includes:

(a) Portions which have decomposed or largely decomposed by field diseases, field-firing, pole-burning, or bulk-burning; (b) portions which have been frozen or sunburned; and (c) portions which are dead, trashy, and do not have sufficient strength or stability to hold together in the normal manufacturing process due to excessive injury of any kind. (See Rule 13, § 29.4599.)

§ 29.4553 Wet (high-case).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 16, § 29.4602.)

§ 29.4554 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart, § 29.4581.)

ELEMENTS OF QUALITY

§ 29.4581 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality. Characteristics which constitute general quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees. These degrees are arranged to show their relative value, but their actual value may vary with type.

Elements	Degrees		
Body	Thin	Medium	Heavy.
Maturity	Immature	Mature	Ripe.
Leaf structure	Close	Firm	Open.
Oil (life)	Lean	Oily	Rich.
Strength (tensile)	Weak	Normal	Strong.
Width	Narrow		Normal.
Length			(1).

[1] Expressed in inches.

RULES

§ 29.4586 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.4587 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.4588 Rule 2.

The determination of grade shall be based upon a representative sample or a thorough examination of a packing of tobacco.

§ 29.4589 Rule 3.

The grade of unsorted tobacco shall be based upon a representative sample of the packing. A minimum of 10 percent of the bundles or bales shall be selected at random for sampling: a higher percentage may be sampled at the discretion of the inspector. To obtain the sample, a sufficient amount of tobacco shall be drawn to be representative of each selected bale. In determining the grade, the inspector shall consider the general quality of all samples. The grade assigned shall represent the quality of the lot as a whole.

§ 29.4590 Rule 4.

Standard grades shall be assigned to clean and sound tobacco only.

§ 29.4591 Rule 5.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping from 6 to 8 inches or sufficiently to make a level, solid, and uniform pack. The sides of the bundles shall be completely covered with paper and tightly bound with not less than three large twines spaced so that the tobacco will be held securely together. Both paper and twine shall be clean and free from any foreign odor which could be injurious to the tobacco. Improperly packed tobacco shall be designated "No-G."

§ 29.4592 Rule 6.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.4593 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.4594 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any element of quality than the degree stated and does not exceed the tolerance(s) of such grade. However, width specifications shall be waived in Type 44.

§ 29.4595 Rule 9.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director of the Tobacco Division, Consumer and Marketing Service.

§ 29.4596 Rule 10.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.4597 Rule 11.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.4598 Rule 12.

The uniformity requirement shall be expressed in percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade; the remaining portion must be closely related. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.4599 Rule 13.

Injury tolerances and waste tolerances shall be expressed in percentages. The appraisal of injury and of waste shall be based upon the percentage of affected leaf surface and the degree of injury.

§ 29.4600 Rule 14.

Stem rot shall not exceed 40 percent of the specified injury tolerance for any grade.

§ 29.4601 Rule 15.

Crude tobacco shall not be included in X1 or X2.

§ 29.4602 Rule 16.

Tobacco shall be designated by the grademark "No-G" when it is damaged, dirty, nested, offtype, semicured, wet, improperly packed, contains foreign matter, has an odor foreign to the type, or does not meet the minimum specifications or exceeds the tolerance of the lowest grade of any group.

GRADES

§ 29.4626 Straight Stripped (X Group).

This group consists of tobacco from which the trash and dirty fillers have been removed. This tobacco is locally known as "Wrappers and Fillers Stripped Together."

U.S. grades	Grade names, minimum specifications, and tolerances
X1	Fine Quality Straight Stripped. Heavy, ripe, open, rich in oil, strong, normal width, 18 inches or over in length. Uniformity, 80 percent. Tolerance: 10 percent injury.
X2	Good Quality Straight Stripped. Medium body, mature, firm, oily, normal strength and width. Uniformity, 80 percent. Tolerance: 20 percent total injury of which not over 5 percent may be waste.
X3	Low Quality Straight Stripped. Thin, immature, close, lean in oil, normal strength, narrow. Uniformity, 80 percent. Tolerances: 10 percent crude and 30 percent total injury of which not over 10 percent may be waste.
X4	Poor Quality Straight Stripped. Thin, immature, close, lean in oil, weak, narrow. Tolerances: 10 percent crude and 40 percent waste.

[28 FR 11719, Nov. 2, 1963; 28 FR 11926, Nov. 8, 1963]

§ 29.4627 Nondescript (N Group).

Tobacco which does not meet the minimum specifications or exceeds the tolerances of the lowest grade of the X group.

U.S. grade	Grade name and tolerances
N	Nondescript. Tolerances: 20 percent crude and 60 percent waste.

[28 FR 11926, Nov. 8, 1963]

SUMMARY OF STANDARD GRADES

§ 29.4651 Summary of standard grades.

FOUR GRADES OF STRAIGHT STRIPPED

X1 X2 X3 X4

ONE GRADE OF NONDESCRIPT

N

Tobacco not covered by standard grades is designated "No-G."

[28 FR 11926, Nov. 8, 1963]

KEY TO STANDARD GRADEMARKS

§ 29.4656 Key to standard grademarks.

GROUPS

X—Straight Stripped.
N—Nondescript.

QUALITIES

1—Pine. 2—Good. 3—Low. 4—Poor.

[28 FR 11926, Nov. 8, 1963]

OFFICIAL STANDARD GRADES FOR PUERTO RICAN CIGAR-FILLER TOBACCO (U.S. TYPE 46)

SOURCE: Sections 29.5251 to 29.5386 appear at 28 FR 13277, Dec. 7, 1963, unless otherwise noted.

DEFINITIONS

§ 29.5251 Definitions.

As used in §§ 29.5251 through 29.5386, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.5252 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.5253 Body.

The thickness and density of a leaf or the weight per unit of surface.

§ 29.5254 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.5255 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See Rule 4, § 29.5325.)

§ 29.5256 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.5257 Crude.

A subdegree of maturity. A condition similar to crude may result from sunburn or sunscald. Any leaf which is crude to the extent of 20 percent of its leaf surface may be described as crude. (See Rule 14, § 29.5335.)

§ 29.5258 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.5259 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Nondescript, N Group, § 29.5363.)

§ 29.5260 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand. (See Rule 15, § 29.5336.)

§ 29.5261 Foreign matter.

Any extraneous substance or material such as stalks, straw, or abnormal amounts of dirt or sand. (See Rule 15, § 29.5336.)

§ 29.5262 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.5263 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.5264 Grademark.

A symbol or a combination of symbols designated to identify standard grades. A letter is used to indicate group and a number to indicate quality. In Type 46 the third factor denotes: F, thin to medium body; P, heavy body; T, second crop; or S, stained. For example, C1P means Strippers, first quality, heavy body.

§ 29.5265 Group.

A type division consisting of one or more grades. Groups in Type 46 are: Strippers (C), Grinders (X), Nondescript (N), and Scrap (S).

§ 29.5266 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage. § 29.5259.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilizing, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, ragged, sunburned, sunscalded, scorched, fire-killed, bulk-burnt, pole-burnt, barn-burnt, house-burnt, bleached, bruised, blackened, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See Rule 12, § 29.5333.)

§ 29.5267 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.5268 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.5269 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.5270 Maturity.

The degree of ripeness. Tobacco is mature when it reaches its prime state of development.

§ 29.5271 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See Rule 15, § 29.5336.)

§ 29.5272 No grade.

A designation applied to a lot of tobacco classified as nested, offtype, semicured, or wet; tobacco that is abnormally dirty or improperly baled, contains foreign matter, or has an odor foreign to the type. (See Rules 3, § 29.5324; 15, § 29.5336.)

§ 29.5273 Offtype.

Tobacco of distinctly different characteristics which cannot be classified in the grades of the type. (See Rule 15, § 29.5336.)

§ 29.5274 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.5275 Package.

A bundle, bale, case, or other securely enclosed parcel.

§ 29.5276 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.5277 Quality.

A division of a group or the second factor of a grade based upon the stated specifications.

§ 29.5278 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, or tobacco that has not been thoroughly dried in the curing process. (See definition of No Grade, § 29.5272 and Rule 15, § 29.5336.)

§ 29.5279 Side.

A certain phase of quality as contrasted with some other phase of quality, or any peculiar characteristic of tobacco.

§ 29.5280 Sound.

Free of damage.

§ 29.5281 Stained (S).

A term applied to tobacco that is blackened, bruised, or discolored by excessive moisture. Any leaf affected 10 percent or more by any of these conditions may be described as stained. (See Rule 13, § 29.5334.)

§ 29.5282 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.5283 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.5284 Strips.

The sides of tobacco leaves from which the stems have been removed or a lot of tobacco composed of strips.

§ 29.5285 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as fermented.

§ 29.5286 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.5287 Tobacco.

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters a manufacturing process. Conditioning sweating, and stemming are not regarded as manufacturing processes.

§ 29.5288 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.5289 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.5290 Type 46.

That type of cigar-leaf tobacco, commonly known as Puerto Rican filler, produced principally in the inland and semicoastal areas of Puerto Rico.

§ 29.5291 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.5292 Uniformity.

A grade requirement designating the percentage of a lot which must meet the stated specifications. (See Rule 11, § 29.5332.)

§ 29.5293 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.5294 Unsweated.

The condition of cured tobacco which has not been sweated.

§ 29.5295 Wet (high-case).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 15, § 29.5336.)

RULES

§ 29.5321 Rules.

The application of the standard grades in §§ 29.5251 through 29.5295 and §§ 29.5361 through 29.5364 shall be in accordance with the following rules.

§ 29.5322 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.5323 Rule 2.

The determination of a grade shall be based upon a representative sample or a thorough examination of a lot of tobacco.

§ 29.5324 Rule 3.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping sufficiently to make a level, solid, and uniform pack. The sides of the bundles or bales shall be completely covered with burlap or other suitable protective material. Improperly packed tobacco shall be designated "No-G."

§ 29.5325 Rule 4.

Standard grades shall be assigned to clean tobacco only.

§ 29.5326 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.5327 Rule 6.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.5328 Rule 7.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree than the minimum specifications of such grade.

§ 29.5329 Rule 8.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.5330 Rule 9.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director of the Tobacco Division, Consumer and Marketing Service.

§ 29.5331 Rule 10.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.5332 Rule 11.

Uniformity shall be expressed in terms of percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade; the remaining portion must be closely related. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.5333 Rule 12.

Injury tolerance shall be expressed in terms of a percentage. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury.

§ 29.5334 Rule 13.

First quality tobacco stained 30 percent or less shall be graded X1S. Any tobacco stained over 30 percent but not more than 75 percent shall be graded X2S. Tobacco stained over 75 percent shall be graded "N."

§ 29.5335 Rule 14.

Any lot containing 20 percent or more of crude tobacco shall be designated by the symbol "N."

§ 29.5336 Rule 15.

Tobacco shall be classified No. Grade, using the designation "No-G," when it is abnormally dirty, improperly baled, nested, offtype, semicured, wet, contains foreign matter, or has an odor foreign to the type.

GRADES

§ 29.5361 Strippers (C Group).

Tobacco that is free of stain and is of long filler stemming quality.

U.S. grades	*Grade names and specification*
C1F	First Quality Thin Strippers. Eighty-five percent must be thin to medium bodied, mature, and 13 inches or over in length. Injury tolerance, 15 percent.
C1P	First Quality Heavy Strippers. Eighty-five percent must be heavy bodied, mature, and 13 inches or over in length. Injury tolerance, 15 percent.

§ 29.5362 Grinders (X Group).

Short fillers or grinders.

U.S. grades	*Grade names and specifications*
X1F	First Quality Thin Grinders. Seventy percent must be thin to medium bodied, mature, and 8 inches or over in length. Injury tolerance, 30 percent.
X1P	First quality Heavy Grinders. Seventy percent must be heavy bodied, mature, and 8 inches or over in length. Injury tolerance, 30 percent.
X1S	First Quality Stained Grinders. Seventy percent must be thin to heavy bodied, mature, and 8 inches or over in length. Tolerances: 30 percent injury and 30 percent stained.
X2F	Second Quality Thin Grinders. Thin to medium bodied and over 30 percent injury tolerance; any yellow tobacco; or tobacco pole-burnt over 30 percent.
X2P	Second Quality Heavy Grinders. Heavy bodied and over 30 percent injury tolerance; any hard or wood tobacco.

U.S. grades	Grade names and specifications
X2T	Second Quality Second Crop Grinders. Thin to heavy-bodied sucker leaves and over 30 percent injury tolerance
X2S	Second Quality Stained Grinders. Thin to heavy bodied. Tolerances: Over 30 percent injury and over 30 percent but not more than 75 percent stained.

§ 29.5363 Nondescript (N Group).

U.S. grade	Grade name and specifications
N	Nondescript. Moldy, musty, or otherwise damaged tobacco; or tobacco bruised, blackened, stained, or injured over 75 percent.

§ 29.5364 Scrap (S Group).

U.S. grade	Grade name and specifications
S	Scrap. Loose, tangled, whole or broken leaves or the web portions of leaves reduced to scrap by any process. Scrap is free of strings, paper, excessive dirt, and other foreign matter.

SUMMARY OF STANDARD GRADES

§ 29.5381 Summary of standard grades.

2 Grades of Strippers

C1F	C1P

7 Grades of Grinders

X1F	X1P		X1S
X2F	X2P	X2T	X2S

1 Grade of Nondescript

N

1 Grade of Scrap

S

Tobacco not covered by standard grades is designated "No-G."

KEY TO STANDARD GRADEMARKS

§ 29.5386 Key to standard grademarks.

Groups	Qualities	Third factors
C—Strippers	1—First	
F—Thin to medium body		
X—Grinders	2—Second	P—Heavy body
N—Nondescript		T—Second crop
S—Scrap		S—Stained

OFFICIAL STANDARD GRADES FOR CONNECTICUT VALLEY CIGAR-BINDER TOBACCO (U.S. TYPES 51 AND 52)

AUTHORITY: Sections 29.5501 to 29.5656 issued under sec. 14, 49 Stat. 734; 7 U.S.C. 511m.

SOURCE: Sections 29.5501 to 29.5656 appear at 27 FR 8577, Aug. 28, 1962, unless otherwise noted.

DEFINITIONS

§ 29.5501 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.5502 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat sometimes is used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.5503 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart.)

§ 29.5504 Burn.

The duration of combustion or length of time that a tobacco leaf will hold fire after ignition. (See Rule 18.)

§ 29.5505 Case (order).

The state of tobacco with respect to its moisture content.

§ 29.5506 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.5507 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See Rule 4.)

§ 29.5508 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.5509 Crude.

A subdegree of maturity. (See Rule 15.)

§ 29.5510 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.5511 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 17.)

§ 29.5512 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 17.)

§ 29.5513 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See chart.)

§ 29.5514 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.5581.

§ 29.5515 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, and rubber bands. (See Rule 17.)

§ 29.5516 Form.

The state of preparation of tobacco such as stemmed or unstemmed.

§ 29.5517 General quality.

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the restricted use of the term "quality" within a group.

§ 29.5518 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.5519 Grademark.

In Types 51 and 52 a grademark normally consists of a letter to indicate group and a number to indicate quality. For example, B2 means Binder, good quality.

§ 29.5520 Group.

A type division consisting of one or more grades based on the general quality of tobacco. Groups in Types 51 and 52 are: Binder (B), Nonbinder (X), Nondescript (N), and Scrap (S).

§ 29.5521 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies, or excesses; or improper fertilization, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frostbitten, frozen (see rule 16), sunburned, sunscalded, bulk-burnt, pole-burnt, shed-burnt, pole-sweated, stem-rotted, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See Rule 13.)

§ 29.5522 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.5523 Leaf structure.

The cell development of a leaf as indicated by its porosity. The degrees range from close (slick and tight) to open (porous). (See chart.)

§ 29.5524 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.5525 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.5526 Maturity.

The degree of ripeness. (See chart.)

§ 29.5527 Nested.

Any tobacco which has been loaded, packed, or arranged, to conceal foreign matter or tobacco of inferior grade, quality, or condition. nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See Rule 17.)

§ 29.5528 No Grade.

A designation applied to a lot of tobacco classified as damaged, dirty nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type. (See Rules 5 and 17.)

§ 29.5529 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Type 51 or 52. (See Rule 17.)

§ 29.5530 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.5531 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.5532 Quality.

A division of a group or the second factor of a grade, based upon the relative degree of one or more of the elements of quality.

§ 29.5533 Raw.

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.5534 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swell stems, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See definition of No Grade and Rule 17.)

§ 29.5535 Side.

A certain phase of quality as contrasted with some other phase of quality or any peculiar characteristic of tobacco.

§ 29.5536 Sound.

Free of damage. (See Rule 4.)

§ 29.5537 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.5538 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.5539 Stem rot.

The deterioration of an uncured or frozen stem resulting from bacterial action. Although stem rot results from bacterial action, it is inactive in cured tobacco and is treated as a kind of injury in Types 51 and 52. (See Rule 14.)

§ 29.5540 Strength (tensile).

The stress a tobacco leaf can bear without tearing. (See chart.)

§ 29.5541 Strips.

The sides of tobacco leaves from which the stems have been removed or a lot of tobacco composed of strips.

§ 29.5542 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition sometimes is described as aged.

§ 29.5543 Tobacco.

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

§ 29.5544 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.5545 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.5546 Type 51.

That type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced principally in the Connecticut River Valley.

§ 29.5547 Type 52.

That type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed or Havana Seed of Connecticut and Massachusetts, produced principally in the Connecticut River Valley.

§ 29.5548 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.5549 Uniformity.

A grade requirement designating the percentage of a lot which must meet the specified degree of each element of quality. (See Rule 12.)

§ 29.5550 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.5551 Unsweated.

The condition of cured tobacco which has not been sweated.

§ 29.5552 Wet (high-case).

Any sound tobacco containing excessive moisture to the extent that it is in an unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 17.)

§ 29.5553 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart.)

ELEMENTS OF QUALITY

§ 29.5581 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These degrees are arranged to show their relative value, but the actual value of each degree varies with type and group. In each case the first and last degrees represent the full range for the element.

Elements	Degrees		
Body	Heavy	Medium	Thin.
Maturity	Immature	Mature	Ripe.
Leaf structure	Close	Firm	Open.
Elasticity	Inelastic	Semi-elastic	Elastic.
Strength (tensile).	Weak	Normal	Strong.
Width	Narrow	Normal	Spready.
Length	(1)	(1)	(1).
Uniformity	(2)	(2)	(2).
Injury tolerance	(2)	(2)	(2).

[1] Expressed in inches.
[2] Expressed in percentages.

RULES

§ 29.5586 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.5587 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.5588 Rule 2.

The determination of a grade shall be based upon a representative sample or a thorough examination of a packing of tobacco.

§ 29.5589 Rule 3.

The grade of unsorted tobacco shall be based upon a representative sample of the packing. A minimum of 10 percent of the bundles or bales shall be selected at random for sampling; a higher percentage may be sampled at the discretion of the inspector. To obtain the sample, a sufficient amount of tobacco shall be drawn to be representative of each selected bale. In determining the grade, the inspector shall consider the quality of all samples. The grade assigned shall represent the quality of the lot as a whole.

§ 29.5590 Rule 4.

Standard grades shall be applied to clean and sound tobacco only.

§ 29.5591 Rule 5.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping from 6 to 8 inches or sufficiently to make a level, solid, and uniform pack. The sides of the bundles shall be completely covered with paper, or other suitable protective material, and tightly bound with not less than three large twines spaced so that the tobacco will be held securely together. Improperly packed tobacco shall be designated as "No-G."

§ 29.5592 Rule 6.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.5593 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.5594 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.5595 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.5596 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director of the Tobacco Division, Consumer and Marketing Service.

§ 29.5597 Rule 11.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.5598 Rule 12.

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade; the remaining portion must be related. Grade specifications state the minimum acceptable degree of each element of quality. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.5599 Rule 13.

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury, and consideration shall be given to the kinds of injury normal to the group or grade.

§ 29.5600 Rule 14.

Stem rot shall not exceed 50 percent of the specified injury tolerance for any grade.

§ 29.5601 Rule 15.

In grade specifications the tolerance of crude shall apply to the entire leaf surface of the lot.

§ 29.5602 Rule 16.

In grade specifications frozen shall be treated as a separate kind of injury and the tolerance shall apply to the entire leaf surface of the lot.

§ 29.5603 Rule 17.

Tobacco shall be designated as No Grade, using the grademark "No-G," when it is damaged, dirty, nested, off-type, semicured, wet, improperly packed, contains foreign matter, or has an odor foreign to the type.

§ 29.5604 Rule 18.

Burn shall be determined as the average burning time of leaves selected at random from the sample. A minimum of 10 leaves shall be selected as representative regardless of the number of bundles or bales in the lot. All burn tests shall be made in the binder-cutting area on the same side of the leaf. The leaf shall be punctured to permit quick ignition when placed over a candle, alcohol lamp, or electrical-lighting device. Good burn shall average 6 seconds or longer; fair burn, 3 to 5 seconds; and poor burn, under 3 seconds. B1 and B2 shall require good burn and B3, fair burn.

GRADES

§ 29.5626 Binder (B Group).

Farm lots of tobacco suitable for utilization as cigar binders.

U.S. Grades	*Grade names, minimum specifications, and tolerances*
B1	Fine Quality Binder. Thin, ripe, open, elastic, strong, spready, and over 19 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
B2	Good Quality Binder. Thin, ripe, open, elastic, normal strength and width, and over 19 inches in length. Uniformity, 80 percent; injury tolerance, 20 percent.
B3	Fair Quality Binder. Medium body, mature, firm, semielastic, normal strength and width, and over 19 inches in length. Uniformity, 70 percent; injury tolerance 30 percent.
B4	Poor Quality Binder. Medium body, mature, firm, inelastic, normal strength, and narrow. Uniformity, 60 percent; injury tolerance, 40 percent
B5	Low Quality Binder. Heavy, immature, close, inelastic, weak, and narrow. Uniformity, 60 percent. Tolerances: 5 percent crude, 5 percent frozen, and 40 percent injury.

§ 29.5627 Nonbinder (X Group).

Farm lots of nonbinder tobacco.

U.S. grade	*Grade name, minimum specifications, and tolerances*
X1	Nonbinder. Heavy, immature, close, inelastic, weak, and narrow. Tolerances: 10 percent crude, 10 percent frozen, and 60 percent injury.

§ 29.5628 Nondescript (N Group).

Tobacco which does not meet the minimum specifications of the lowest grade of any other group.

U.S. grades	*Grade names and tolerances*
N1	First Nondescript. Tolerances: 20 percent crude, 20 percent frozen, and 60 percent injury.
N2	Second Nondescript. Over 20 percent crude, over 20 percent frozen, or over 60 percent injury.

§ 29.5629 Scrap (S Group).

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. grade	*Grade name and specifications*
S	Scrap. Loose, tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.5651 Summary of standard grades.

5 Grades of Binder	*Grade of Nonbinder*
B1	X1
B2	
3	
4	
5	

2 Grades of Nondescript	*1 Grade of Scrap*
N1	S
N2	

Tobacco not covered by standard grades is designated as "No-G."

KEY TO STANDARD GRADEMARKS

§ 29.5656 Key to standard grademarks.

Groups	*Qualities*
B—Binder	1—Fine.
X—Nonbinder	2—Good.
N—Nondescript	3—Fair.
S—Scrap	4—Poor.
	5—Low.

OFFICIAL STANDARD GRADES FOR WISCONSIN CIGAR-BINDER TOBACCO (U.S. TYPES 54 AND 55)[1]

SOURCE: Sections 29.6001 to 29.6161 appear at 27 FR 12668, Dec. 21, 1962, unless otherwise noted.

DEFINITIONS

§ 29.6001 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.6002 Air-cured.

Tobacco cured under natural atmospheric conditions. Artificial heat sometimes is used to control excess humidity during the curing period to prevent pole-sweat, pole-burn, and shed-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.6003 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart.)

§ 29.6004 Burn.

The duration of combustion or length of time that a tobacco leaf will hold fire after ignition. (See Rule 18.)

§ 29.6005 Case (order).

The state of tobacco with respect to its moisture content.

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[1] These standards also apply to Type 53 Havana seed tobacco.

§ 29.6006 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.6007 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See Rule 4.)

§ 29.6008 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.6009 Crude.

A subdegree of maturity. (See Rule 15.)

§ 29.6010 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.6011 Damage.

The effect of mold, must, rot, black rot or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must or rot is considered damaged. (See Rule 17.)

§ 29.6012 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 17.)

§ 29.6013 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See chart.)

§ 29.6014 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in the chart in § 29.6081.

§ 29.6015 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, and rubber bands. (See Rule 17.)

§ 29.6016 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.6017 General quality.

The quality of tobacco considered in relation to the type as a whole. General quality is distinguished from the restricted use of the term "quality" within a group.

§ 29.6018 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.6019 Grademark.

In these types a grademark normally consists of a letter to indicate group and a number to indicate quality. For example, B2 means Binder, fair quality.

§ 29.6020 Group.

A type division consisting of one or more grades based on the general quality of tobacco. Groups in these types are: Binder (B), Stripper (C), Straight Stripped (X), Farm Filler (Y), Nondescript (N), and Scrap (S).

§ 29.6021 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilization, harvesting, curing, or handling. Injured tobacco includes dead, burnt, hail-cut, torn, broken, frostbitten, frozen (see rule 16), sunburned, sunscalded, bulk-burnt, pole-burnt, shed-burnt, pole-sweated, stem-rotted, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See Rule 13.)

§ 29.6022 Leaf scrap.

A byproduct of unstemmed tobacco Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.6023 Leaf structure.

The cell development of a leaf as indicated by its porosity. The degrees range from close (slick and tight) to open (porous). (See chart.)

§ 29.6024 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip.

§ 29.6025 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.6026 Maturity.

The degree of ripeness. (See chart.)

§ 29.6027 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged. (See Rule 17.)

§ 29.6028 No Grade.

A designation applied to a lot of tobacco classified as damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type. (See Rules 5 and 17.)

§ 29.6029 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Type 53, 54, or 55. (See Rule 17.)

§ 29.6030 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.6031 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.6032 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality.

§ 29.6033 Raw.

Tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.6034 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See definition of No Grade and Rule 17.)

§ 29.6035 Side.

A certain phase of quality as contrasted with some other phase of quality or any peculiar characteristic of tobacco.

§ 29.6036 Sound.

Free of damage. (See Rule 4.)

§ 29.6037 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.6038 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.6039 Stem rot.

The deterioration of an uncured or frozen stem resulting from bacterial action. Although stem rot results from bacterial action, it is inactive in cured tobacco and is treated as a kind of injury in these types. (See Rule 14.)

§ 29.6040 Strength (tensile).

The stress a tobacco leaf can bear without tearing. (See chart.)

§ 29.6041 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.6042 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition sometimes is described as aged.

§ 29.6043 Tobacco.

Tobacco in its unmanufactured forms as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters a manufacturing process. Conditioning, sweating, and stemming are not regarded as manufacturing processes.

§ 29.6044 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.6045 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.6046 Type 53.

That type of cigar-leaf tobacco commonly known as York State or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats and Onondaga sections of New York and extending into Pennsylvania.

§ 29.6047 Type 54.

That type of cigar-leaf tobacco commonly known as Southern Wisconsin Cigar-leaf or Southern Wisconsin Binder-type, produced principally south and east of the Wisconsin River.

§ 29.6048 Type 55.

That type of cigar-leaf tobacco commonly known as Northern Wisconsin Cigar-leaf or Northern Wisconsin Binder-type, produced principally north and west of the Wisconsin River and extending into Minnesota.

§ 29.6049 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.6050 Uniformity.

A grade requirement designating the percentage of a lot which must meet the specified degree of each element of quality. (See Rule 12.)

§ 29.6051 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.6052 Unsweated.

The condition of cured tobacco which has not been sweated.

§ 29.6053 Wet (high-case).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 17.)

§ 29.6054 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart.)

ELEMENTS OF QUALITY

§ 29.6081 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These degrees are arranged to show their relative value, but the actual value of each degree varies with type and group.

Elements	Degrees		
Body	Heavy	Medium	Thin.
Maturity	Immature.	Mature	Ripe.
Leaf structure	Close	Firm	Open.
Elasticity	Inelastic	Semielastic	Elastic.
Strength (tensile)	Weak	Normal	Strong.
Width	Narrow	do	Spready.
Length	(1)	(1)	(1)
Uniformity	(2)	(2)	(2)
Injury tolerance.	(2)	(2)	(2)

[1] Expressed in inches.
[2] Expressed in percentages

RULES

§ 29.6086 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.6087 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.6088 Rule 2.

The determination of grade shall be based upon a representative sample or a thorough examination of a packing of tobacco.

§ 29.6089 Rule 3.

The grade of unsorted tobacco shall be based upon a representative sample of the packing. A minimum of 10 percent of the bundles or bales shall be selected at random for sampling; a higher percentage may be sampled at the discretion of the inspector. To obtain the sample, a sufficient amount of tobacco shall be drawn to be representative of each selected bale. In determining the grade, the inspector shall consider the quality of all samples. The grade assigned shall represent the quality of the lot as a whole.

§ 29.6090 Rule 4.

Standard grades shall be assigned to clean and sound tobacco only.

§ 29.6091 Rule 5.

Tobacco leaves shall be placed straight in bundles or bales of normal weight, size, and shape with the butts out and tips overlapping from 6 to 8 inches or sufficiently to make a level, solid, and uniform pack. The sides of the bundles shall be completely covered with paper, or other suitable protective material, and tightly bound with not less than three large twines spaced so that the tobacco will be held securely together. Improperly packed tobacco shall be designated as "No-G."

§ 29.6092 Rule 6.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.6093 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.6094 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.6095 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.6096 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director of the Tobacco Division, Consumer and Marketing Service.

§ 29.6097 Rule 11.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.6098 Rule 12.

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot which must meet each specification of the grade; the remaining portion must be related. Grade specifications state the minimum acceptable degree of each element of quality. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.6099 Rule 13.

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury, and consideration shall be given to the kinds of injury normal to the group or grade.

§ 29.6100 Rule 14.

Stem rot shall not exceed 40 percent of the specified injury tolerance for any grade.

§ 29.6101 Rule 15.

In grade specifications the tolerance of crude shall apply to the entire leaf surface of the lot.

§ 29.6102 Rule 16.

In grade specifications frozen shall be treated as a separate kind of injury and the tolerance shall apply to the entire leaf surface of the lot.

§ 29.6103 Rule 17.

Tobacco shall be designated as No Grade, suing the grademark "No—G," when it is damaged, dirty, nested, offtype, semicured, wet, improperly packed, contains foreign matter, or has an odor foreign to the type.

§ 29.6104 Rule 18.

Burn shall be determined as the average burning time of leaves selected at random from the sample. A minimum of 10 leaves shall be selected as representative regardless of the number of bundles or bales in the lot. All burn tests shall be made in the bindercutting area on the same side of the leaf. The leaf shall be punctured to permit quick ignition when placed over a candle, alcohol lamp, or electrical-lighting device. Good burn shall average 6 seconds or longer; fair burn, 3 to 5 seconds; and poor burn, under 3 seconds. B1 and B2 shall require good burn and B3, fair burn.

GRADES

§ 29.6126 Binder (B Group).

Tobacco of this group is of cigarbinder quality from which trash and trashy Farm Fillers have been removed.

U.S. grades	*Grade names, minimum specifications, and tolerances*
B1	Fine Quality Binder. Thin, ripe, open, elastic, strong, spready, and 19 inches or over in length. Uniformity, 90 percent; injury tolerance, 10 percent.
B2	Fair Quality Binder. Medium body, ripe, open, semielastic, strong, normal width, and 19 inches or over in length. Uniformity, 80 percent; injury tolerance, 20 percent.
B3	Low Quality Binder. Medium, ripe, firm, semielastic, normal strength and width, and 17 inches or over in length. Uniformity, 70 percent; injury tolerance, 30 percent.

[27 FR 12668, Dec. 21, 1962, as amended at 34 FR 17061, Oct. 21, 1969]

§ 29.6127 Stripper (C Group).

This group consists of tobacco from which the trash and trashy Farm Fillers have been removed but does not meet the specifications of the Binder group.

U.S. grades	*Grade names, minimum specifications, and tolerances*
C1	Fine Quality Stripper. Heavy, ripe, firm, semielastic, normal strength and width, and 16 inches or over in length. Uniformity, 90 percent; injury tolerance, 10 percent.

U.S. grades	Grade names, minimum specifications, and tolerances
C2	Fair Quality Stripper. Heavy, mature, close, inelastic, normal strength, narrow, and 16 inches or over in length. Uniformity, 80 percent. Tolerances; 5 percent crude, 5 percent frozen, and 20 percent injury.
C3	Low Quality Stripper. Heavy, immature, close, inelastic, weak, and narrow. Uniformity, 70 percent. Tolerances: 10 percent crude, 10 percent frozen, and 30 percent injury.

§ 29.6128 Straight Stripped (X Group).

This group consists of unsorted tobacco from which the trash has been removed.

U.S. grades	Grade names, minimum specifications, and tolerances
X1	Fine Quality Straight Stripped. Heavy, ripe, firm, semielastic, normal strength and width, and 16 inches or over in length. Uniformity, 85 percent; injury tolerance, 15 percent.
X2	Fair Quality Straight Stripped. Heavy mature, close, inelastic, normal strength, narrow, and 16 inches or over in length. Uniformity, 75 percent. Tolerances: 5 percent crude, 5 percent frozen, and 25 percent injury.
X3	Low Quality Straight Stripped. Heavy, immature, close, inelastic, weak, and narrow. Uniformity, 60 percent. Tolerances: 10 percent crude, 10 percent frozen, and 40 percent injury.

§ 29.6129 Farm Filler (Y Group).

This group consists of tobacco from the lower portion of the stalk and may include throw out leaves from the Binder and Stripper groups.

U.S. grades	Grade names, minimum specifications, and tolerances
Y1	Fine Quality Farm Filler. Thin, ripe, open, semielastic, normal strength and width, and 12 inches or over in length. Uniformity, 85 percent; injury tolerance, 15 percent.
Y2	Fair Quality Farm Filler. Thin, ripe, firm, inelastic, normal strength, and narrow. Uniformity, 75 percent. Tolerances: 5 percent crude, 5 percent frozen, and 25 percent injury.
Y3	Low Quality Farm Filler. Thin, mature, close, inelastic, weak, and narrow. Uniformity, 60 percent. Tolerances: 10 percent crude, 10 percent frozen, and 40 percent injury.

§ 29.6130 Nondescript (N Group).

Tobacco which does not meet the minimum specifications or exceeds the tolerance of the lowest grade of any other group.

U.S. grades	Grade names and tolerances
N1	First Quality Nondescript. Tolerances: 20 percent crude, 20 percent frozen, and 60 percent injury.
N2	Second Quality Nondescript. Over 20 percent crude, over 20 percent frozen, or over 60 percent injury.

§ 29.6131 Scrap (S Group).

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. grades	Grade name and specifications
S	Scrap. Loose, tangled, whole, or broken unstemmed leaves, or the web portion of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.6155 Summary of standard grades.

Three grades of binder	Three grades of stripper
B1	C1
B2	C2
B3	C3

Three grades of straight stripped	Three grades of farm filler
X1	Y1
X2	Y2
X3	Y3

Two grades of nondescript	One grade of scrap
N1	S
N2	

Tobacco not covered by standard grades is designated as "No-G."

KEY TO STANDARD GRADEMARKS

§ 29.6161 Key to standard grademarks.

Groups	Qualities
B—Binder	1—Fine.
C—Stripper	2—Fair.
X—Straight Stripped	3—Low.
Y—Farm Filler	
N—Nondescript	
S—Scrap	

OFFICIAL STANDARD GRADES FOR CONNECTICUT VALLEY SHADE-GROWN CIGAR-WRAPPER TOBACCO (U.S. TYPE 61)[1]

SOURCE: Sections 29.6251 to 29.6411 appear at 36 FR 5665, Mar. 26, 1971, unless otherwise noted.

DEFINITIONS

§ 29.6251 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.6252 Air-cured.

Tobacco cured under natural atmospheric conditions without the use of artificial heat except to prevent pole-burn in damp weather.

§ 29.6253 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.6371.)

§ 29.6254 Brown colors.

A group of natural wrapper colors ranging from a golden brown to reddish brown. The range is expressed as golden brown (L), light brown (F), and reddish brown (R).

§ 29.6255 Candela-cured.

Tobacco cured under controlled artificial atmospheric conditions by regulating the heat and humidity. This process produces a green or greenish color in the cured leaves.

§ 29.6256 Candela-cured green colors.

A group of candela-cured wrapper colors ranging from a yellowish green to dark green. The range is expressed as yellowish green (YG), light green (LG), green (G), and dark green (KG).

§ 29.6257 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.6258 Color.

The third factor of a grademark based on the relative hues, saturation or chroma, and color values common to the type.

§ 29.6259 Color shade.

The varying strength or weakness of a color or hue.

§ 29.6260 Color symbols.

In this type the color symbols used for naturally cured tobacco are L—golden brown, F—light brown, M—mixed color, V—greenish, FL—fleck, R—reddish brown, K—variegated, and G—green. Color symbols used for candela-cured tobacco are LG—light green, G—green, YG—yellowish green, FL—fleck, and KG—dark green or dark green and variegated mixed.

§ 29.6261 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are undried, air-dried, steam-dried, sweating, sweated, and aged.

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[1] These standards provide grades for both air-cured and candela-cured tobacco.

§ 29.6262 Crude.

A subdegree of maturity. (See Rule 19, § 29.6355.)

§ 29.6263 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.6264 Damage.

The effect of mold, must, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 20, § 29.6356.)

§ 29.6265 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand. (See Rule 20, § 29.6356.)

§ 29.6266 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched.

§ 29.6267 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in § 29.6371.

§ 29.6268 Fibers.

Lateral and cross veins in a tobacco leaf. (See chart, § 29.6371.)

§ 29.6269 Fleck (FL).

Spots or dapples on the surface of the tobacco leaf. (See Rule 14, § 29.6350.)

§ 29.6270 Foreign matter.

Any extraneous substance or material. (See Rule 20, § 29.6356.)

§ 29.6271 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.6272 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficien importance to be treated separately.

§ 29.6273 Grademark.

A grademark normally consists o three symbols which indicate group quality, and color. A letter is used t indicate group, a number to indicat quality, and a letter or letters to indicate color. Color symbols are used onl in the A group.

§ 29.6274 Green (G).

Green color. In natural wrapper any leaf which has a green color affecting 10 percent or more of its surface may be described as green. (Se Rule 17, § 29.6353.)

§ 29.6275 Greenish (V).

A color term applied to greenish tinged air-cured tobacco. Any leaf o natural wrapper tobacco which has greenish tinge or a pale green color affecting 10 percent or more of its surface may be described as greenish (See Rule 16, § 29.6352.)

§ 29.6276 Group.

A division of a type covering closel related grades. Groups in this type ar Wrappers (A), Stained (S), Brokes (X and Nondescript (N).

§ 29.6277 Injury.

Hurt or impairment. (See Rule 13 § 29.6349.)

§ 29.6278 Leaf scrap.

A byproduct of unstemmed tobacc Leaf scrap results from handling unstemmed tobacco and consists of loos and tangled whole or broken leaves.

§ 29.6279 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See chart § 29.6371.)

§ 29.6280 Length.

The linear measurement of cured tobacco leaves from the butt of th midrib to the extreme tip. (See chart § 29.6371.)

§ 29.6281 Lot.

A pile, basket, bulk, package, o other definite unit.

§ 29.6282 Maturity.

The degree of ripeness. (See chart, § 29.6371.)

§ 29.6283 Mixed color (M).

Normal colors of air-cured type 61 mixed in various proportions. Golden brown, light brown, reddish brown, and greenish hues may be included.

§ 29.6284 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. (See Rule 20, § 29.6356.)

§ 29.6285 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as type 61. (See Rule 20, § 29.6356.)

§ 29.6286 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.6287 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.6288 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.6289 Quality.

A division of a group or the second factor of a grademark based on the relative degree of one or more elements of quality in tobacco.

§ 29.6290 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, or stems that have not been thoroughly dried in the curing process. (See Rule 20, § 29.6356.)

§ 29.6291 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.6292 Sound.

Free of damage.

§ 29.6293 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See Rule 9, § 29.6345.)

§ 29.6294 Stained.

A term applied to tobacco that has been blackened, bruised, or discolored by excessive moisture. (See Rules 18 and 20, §§ 29.6354 and 29.6356.)

§ 29.6295 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.6296 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.6297 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.6298 Subgrade.

Any grade modified by a special factor symbol.

§ 29.6299 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.6300 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.6301 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.6302 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

§ 29.6303 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.6304 Type 61.

That type of shade-grown tobacco known as Connecticut Valley Shade-grown, produced principally in the Connecticut Valley section of Connecticut and Massachusetts.

§ 29.6305 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.6306 Uniformity.

An element of quality which describes the consistency of a lot of tobacco. (See Rule 12, § 29.6348.)

§ 29.6307 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.6308 Variegated.

Two or more contrasting colors or tints within a leaf. (See Rule 15, § 29.6351.)

§ 29.6309 Wet.

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 20, § 29.6356.)

RULES

§ 29.6336 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.6337 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.6338 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot or packing of tobacco or of an official sample of the lot or packing.

§ 29.6339 Rule 3.

The grade assigned to any lot or packing of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot or packing of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.6340 Rule 4.

Tobacco of the A, X, or S groups shall be placed straight in boxes or bales of normal size, weight, and shape with the butts out and tips overlapping sufficiently to make a level, solid, and uniform pack. All sides of the bales shall be completely covered with paper or other suitable protective material.

§ 29.6341 Rule 5.

A lot or packing of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.6342 Rule 6.

Any lot or packing of tobacco which meets the specifications of two grades shall be placed in the higher grade.

§ 29.6343 Rule 7.

A lot or packing of tobacco meets the specifications of a grade when it is not lower in any element of quality than the degree stated in grade specifications and does not exceed the tolerance(s) of such grade.

§ 29.6344 Rule 8.

In determining the grade of a lot or packing of tobacco, the lot or packing as a whole shall be considered. Minor irregularities which do not affect over 1 percent of the tobacco shall be overlooked.

§ 29.6345 Rule 9.

Any special factor approved by the Director of the Tobacco Division, Consumer and Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.6346 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch, and approved by the Director.

§ 29.6347 Rule 11.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.6348 Rule 12.

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot or packing which must meet each specification of the grade; the remaining portion must be closely related. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.6349 Rule 13.

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected wrapper cutting area or the degree of injury.

§ 29.6350 Rule 14.

Fleck shall be included only in A2FL, A3FL, N1, and N2.

§ 29.6351 Rule 15.

Any lot or packing of tobacco containing over 10 percent of variegated leaves shall be designated by the color symbol "K" in natural wrappers and "KG" in candela wrappers.

§ 29.6352 Rule 16.

Any lot or packing of L- or F-colored natural wrapper tobacco containing over 10 percent of greenish leaves shall be designated by the color symbol "V".

§ 29.6353 Rule 17.

Any lot or packing of natural wrapper tobacco containing over 10 percent of green leaves shall be designated by the color symbol "G".

§ 29.6354 Rule 18.

Stained tobacco shall be included only in grades of the S and N groups.

§ 29.6355 Rule 19.

Crude leaves shall be included only in N2.

§ 29.6356 Rule 20.

Tobacco shall be designated "N2" when it is crude, damaged, dirty, improperly packed, nested, offtype, semicured, wet, or when it contains foreign matter, is stained over 20 percent, or has an odor foreign to the type.

ELEMENTS OF QUALITY

§ 29.6371 Elements of quality and degrees of each element.

These words or terms are used to determine tobacco quality. Characteristics which constitute general quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees.

Elements	Degrees		
Body	Thin	Medium	Heavy.
Color shade	True	Dusky	Dull.
Maturity	Ripe	Unripe	Immature.
Leaf structure	Open	Firm	Close.
Fiber size	Small	Medium	Large.
Fiber color	Blending	Contrasting	Clashing.
Injury tolerance.	Expressed in percentages.		
Uniformity	do		
Length	Expressed in inches.		

GRADES FOR NATURAL (AIR-CURED) TOBACCO

§ 29.6386 Wrappers (A Group).

This group consists of tied, elastic tobacco having at least 90 percent of uninjured surface usable for cigar wrappers.

U.S. grades	*Grade names, minimum specifications, and tolerances*
A1L	Choice Golden Brown Natural Wrappers. Thin, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2L	Fine Golden Brown Natural Wrappers. Medium body, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity 90 percent; injury tolerance, 10 percent.
A3L	Good Short Golden Brown Natural Wrappers. Thin to medium body, true color shade, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A1F	Choice Light Brown Natural Wrappers. Thin, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2F	Fine Light Brown Natural Wrappers. Medium body, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3F	Good Short Light Brown Natural Wrappers. Thin to medium body, true color shade, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A1M	Choice Mixed-color Natural Wrappers. Thin, true color shades, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2M	Fine Mixed-color Natural Wrappers. Medium body, true color shades, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3M	Good Short Mixed-color Natural Wrappers. Thin to medium body, true color shades, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2V	Fine Greenish Natural Wrappers. Thin to medium body, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3V	Good Greenish Short Natural Wrappers. Medium body, true color shade, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A2FL	Fine Fleck Natural Wrappers. Thin to medium body, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3FL	Good Fleck Short Natural Wrappers. Heavy, ripe, firm, 14 inches or under in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3R	Good Reddish Brown Natural Wrappers. Heavy, ripe, firm. Uniformity, 90 percent; injury tolerance, 10 percent.
A3K	Good Variegated Natural Wrappers. Medium body, unripe, firm. Uniformity, 90 percent; injury tolerance, 10 percent.
A3G	Good Green Natural Wrappers. Heavy, immature, close. Uniformity, 90 percent; injury tolerance 10 percent.

§ 29.6387 Stained (S Group).

This group consists of tied, stained tobacco from the A group.

U.S. grades	*Grade names, minimum specifications, and tolerances*
S1	Choice Stained Natural Wrappers. Thin, true color shades, ripe, open, over 14 inches in length. Uniformity, 85 percent. Tolerances: 5 percent injury, 10 percent stain parallel to the midrib.
S2	Fine Stained Natural Wrappers. Medium body, ripe, open, over 14 inches in length. Uniformity, 70 percent. Tolerances: 10 percent injury, 20 percent stain.

§ 29.6388 Brokes (S Group).

This group consists of tied, highly injured tobacco from the A group.

U.S. grades	*Grade names, minimum specifications, and tolerances*
X1	Choice Natural Brokes. Medium body, true color shades, ripe, open. Minimum wrapper yield, 50 percent.
X2	Fine Natural Brokes. Medium body, ripe, open. Minimum wrapper yield, 25 percent.

§ 29.6389 Nondescript (N Group).

Tobacco which does not meet the specifications of the lowest grade in any other group. This tobacco may be tied in hands or packed loose.

U.S. grades	*Grade names and specifications*
N1	Best Natural Nondescript. Any tobacco except N2 which does not meet the specifications of the lowest grade in the A, S, or X groups.
N2	Lowest Natural Nondescript. Any tobacco classified as crude, damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, is stained over 20 percent, or has an odor foreign to the type.

GRADES FOR CANDELA-CURED TOBACCO

§ 29.6396 Wrappers (A Group).

This group consists of tied, elastic tobacco having at least 90 percent of uninjured surface usable for cigar wrappers.

U.S. grades	*Grade names, minimum specifications, and tolerances*
A1LG	Choice Light Green Candela Wrappers. Thin, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A1G	Choice Green Candela Wrappers. Medium body, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2G	Fine Green Short Candela Wrappers. Medium body, true color shade, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A3YG	Good Yellowish Green Candela Wrappers. Thin to medium body, ripe, open, medium-sized and contrasting fibers. Uniformity, 90 percent; injury tolerance, 10 percent.
A3FL	Good Fleck Candela Wrappers. Thin to medium body, ripe, firm. Uniformity, 90 percent; injury tolerance, 10 percent.
A3KG	Good Dark Green and Variegated Candela Wrappers. Heavy, unripe, close. Uniformity, 90 percent; injury tolerance, 10 percent.

§ 29.6397 Brokes (X Group).

This group consists of tied, highly injured tobacco from the A group.

U.S. grades	*Grade names and minimum specifications*
X1	Choice Candela Brokes. Medium body, true color shades, ripe, open. Minimum wrapper yield, 50 percent.
X2	Fine Candela Brokes. Medium body, ripe, firm. Minimum wrapper yield, 25 percent.

§ 29.6398 Nondescript (N Group).

Tobacco which does not meet the specifications of the lowest grade in any other group. This tobacco may be tied in hands or packed loose.

U.S. grades	*Grade names and specifications*
N1	Best Candela Nondescript. Any tobacco except N2 which does not meet the specifications of the lowest grades in the A or X groups.
N2	Lowest Candela Nondescript. Any tobacco classified as crude, damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type.

SUMMARY OF STANDARD GRADES

§ 29.6406 Summary of standard grades.

NATURAL (AIR-CURED)

Wrappers

A1L	A2F	A3M	A3FL
A2L	A3F	A2V	A3R
A3L	A1M	A3V	A3K
A1F	A2M	A2FL	A3G

Stained

S1	S2

Brokes

X1	X2

Nondescript

N1	N2

CANDELA-CURED

Wrappers

A1LG	A3YG
A1G	A3FL
A2G	A3KG

Brokes

X1	X2

Nondescript

N1	N2

KEY TO STANDARD GRADEMARKS

§ 29.6411 Key to standard grademarks.

Groups	*Qualities*
A—Wrappers.	1—Choice.
S—Stained.	2—Fine.
X—Brokes.	3—Good.
N—Nondescript.	

Colors	
L—Golden brown.	LG—Light green.
F—Light brown.	YG—Yellowish green.
M—Mixed color.	KG—Dark green, or dark green and variegated mixed.
V—Greenish.	
FL—Fleck.	
R—Reddish brown.	
K—Variegated.	
G—Green.	

OFFICIAL STANDARD GRADES FOR GEORGIA AND FLORIDA SHADE-GROWN CIGAR-WRAPPER TOBACCO (U.S. TYPE 62)[1]

SOURCE: Sections 29.6501 to 29.6661 appear at 36 FR 5669, Mar. 26, 1971, unless otherwise noted.

DEFINITIONS

§ 29.6501 Definitions.

As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.6502 Air-cured.

Tobacco cured under natural atmospheric conditions without the use of artificial heat except to prevent pole-burn in damp weather.

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[1] These standards provide grades for both air-cured and candela-cured tobacco.

§ 29.6503 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.6616.)

§ 29.6504 Candela-cured.

Tobacco cured under controlled artificial atmospheric conditions by regulating the heat and humidity. This process produces a green or greenish color in the cured leaves.

§ 29.6505 Candela-cured green colors.

A group of candela-cured wrapper colors ranging from a yellowish green to dark green. The range is expressed as yellowish green (YG), light green (LG), green (G), and dark green (KG).

§ 29.6506 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.6507 Color.

The third factor of a grademark based on the relative hues, saturation or chroma, and color values common to the type.

§ 29.6508 Color shade.

The varying strength or weakness of a color or hue.

§ 29.6509 Color symbols.

In this type the color symbols used for naturally cured tobacco are M—mixed color, FL—fleck, K—variegated, and G—green. Color symbols used for candela-cured tobacco are LG—light green, G—green, YG—yellowish green, FL—fleck, and KG—dark green or dark green and variegated mixed.

§ 29.6510 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.6511 Crude.

A subdegree of maturity. (See Rule 18, § 29.6599.)

§ 29.6512 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.6513 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 19, § 29.6600.)

§ 29.6514 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand. (See Rule 19, § 29.6600.)

§ 29.6515 Elasticity.

The flexible, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched.

§ 29.6516 Elements of quality.

Physical characteristics used to determine the quality of tobacco. Words selected to describe degrees within each element are shown in § 29.6616.

§ 29.6517 Fibers.

Lateral and cross veins in a tobacco leaf. (See chart, § 29.6616.)

§ 29.6518 Fleck (FL).

Spots or dapples on the surface of the tobacco leaf. (See Rule 14, § 29.6595.)

§ 29.6519 Foreign matter.

Any extraneous substance or material. (See Rule 19, § 29.6600.)

§ 29.6520 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.6521 Grade.

A subdivision of a type according to group and quality and to other characteristics when they are of sufficient importance to be treated separately.

§ 29.6522 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter or letters to indicate color. Color symbols are used only in the A group.

§ 29.6523 Green (G).

Green color. In natural wrappers any leaf which has a green color affecting 10 percent or more of its surface may be described as green. (See Rule 16, § 29.6597.)

§ 29.6524 Greenish.

A term applied to greenish-tinged air-cured tobacco. Any leaf of natural wrapper tobacco which has a greenish tinge or a pale green color affecting 10 percent or more of its surface may be described as greenish.

§ 29.6525 Group.

A division of a type covering closely related grades. Groups in this type are Wrappers (A), Stained (S), Brokes (X), and Nondescript (N).

§ 29.6526 Injury.

Hurt or impairment. (See Rule 13, § 29.6594.)

§ 29.6527 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.6528 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See chart, § 29.6616.)

§ 29.6529 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See chart, § 29.6616.)

§ 29.6530 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.6531 Maturity.

The degree of ripeness. (See chart, § 29.6616.)

§ 29.6532 Mixed color (M).

Normal colors of air-cured type 62 mixed in various proportions. Golden brown, light brown, reddish brown, and greenish hues may be included.

§ 29.6533 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. (See Rule 19, § 29.6600.)

§ 29.6534 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as type 62. (See Rule 19, § 29.6600.)

§ 29.6535 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.6536 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.6537 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.6538 Quality.

A division of a group or the second factor of a grademark based on the relative degree of one or more elements of quality in tobacco.

§ 29.6539 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, or stems that have not been thoroughly dried in the curing process. (See Rule 19, § 29.6600.)

§ 29.6540 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.6541 Sound.

Free of damage.

§ 29.6542 Special factor.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See Rule 9, § 29.6590.)

§ 29.6543 Stained.

A term applied to tobacco that has been blackened, bruised, or discolored by excessive moisture. (See Rules 17 and 19, §§ 29.6598 and 29.6600.)

§ 29.6544 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.6545 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.6546 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.6547 Subgrade.

Any grade modified by a special factor symbol.

§ 29.6548 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.6549 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.6550 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.6551 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff.

§ 29.6552 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.6553 Type 62.

That type of shade-grown tobacco known as Georgia and Florida Shade-grown, produced principally in southwestern Georgia and in the central part of northern Florida.

§ 29.6554 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.6555 Uniformity.

An element of quality which describes the consistency of a lot of tobacco. (See Rule 12, § 29.6593.)

§ 29.6556 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.6557 Variegated.

Two or more contrasting colors or tints within a leaf. (See Rule 15, § 29.6596.)

§ 29.6558 Wet.

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 19, § 29.6600.)

RULES

§ 29.6581 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.6582 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.6583 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot or packing of tobacco or of an official sample of the lot or packing.

§ 29.6584 Rule 3.

The grade assigned to any lot or packing of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot or packing of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.6585 Rule 4.

Tobacco of the A, X, or S groups shall be placed straight in boxes or bales of normal size, weight, and shape with the butts out and tips overlapping sufficiently to make a level, solid, and uniform pack. All sides of the bales shall be completely covered with paper or other suitable protective material.

§ 29.6586 Rule 5.

A lot or packing of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

§ 29.6587 Rule 6.

Any lot or packing of tobacco which meets the specifications of two grades shall be placed in the higher grade.

§ 29.6588 Rule 7.

A lot or packing of tobacco meets the specifications of a grade when it is not lower in any element of quality than the degree stated in grade specifications and does not exceed the tolerance(s) of such grade.

§ 29.6589 Rule 8.

In determining the grade of a lot or packing of tobacco, the lot or packing as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.6590 Rule 9.

Any special factor approved by the Director of the Tobacco Division, Agricultural Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.6591 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

§ 29.6592 Rule 11.

The use of any grade may be restricted by the Director during any marketing season when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.6593 Rule 12.

Uniformity shall be expressed in percentages. These percentages shall govern the portion of a lot or packing which must meet each specification of the grade; the remaining portion must be closely related. Specified percentages of uniformity shall not affect limitations established by other rules.

§ 29.6594 Rule 13.

Injury tolerance shall be expressed in percentages. The appraisal of injury shall be based upon the percentage of affected wrapper cutting area or the degree of injury.

§ 29.6595 Rule 14.

Fleck shall be included only in A3FL, N1, and N2.

§ 29.6596 Rule 15.

Any lot or packing of tobacco containing over 10 percent of variegated leaves shall be designated by the color symbol "K" in natural wrappers and "KG" in candela wrappers.

§ 29.6597 Rule 16.

Any lot or packing of natural wrapper tobacco containing over 10 percent of green leaves shall be designated by the color symbol "G."

§ 29.6598 Rule 17.

Stained tobacco shall be included only in grades of the S and N groups.

§ 29.6599 Rule 18.

Crude leaves shall be included only in N2.

§ 29.6600 Rule 19.

Tobacco shall be designated "N2" when it is crude, damaged, dirty, improperly packed, nested, offtype, semicured, wet, or when it contains foreign matter, is stained over 20 percent, or has an odor foreign to the type.

ELEMENTS OF QUALITY

§ 29.6616 Elements of quality and degrees of each element.

These words or terms are used to determine tobacco quality. Characteristics which constitute general quality are designated as elements of quality. The range within each element is expressed by words or terms designated as degrees.

Elements	Degrees		
Body	Thin	Medium	Heavy.
Color shade	True	Dusky	Dull.
Maturity	Ripe	Unripe	Immature.
Leaf structure	Open	Firm	Close.
Fiber size	Small	Medium	Large.
Fiber color	Blending	Contrasting	Clashing.
Injury tolerance	Expressed in percentages.		
Uniformity	do		
Length	Expressed in inches.		

GRADES FOR NATURAL (AIR-CURED) TOBACCO

§ 29.6636 Wrappers (A Group).

This group consists of tied, elastic tobacco having at least 90 percent of uninjured surface usable for cigar wrappers.

U.S. grades	*Grade names, minimum specifications, and tolerances*
A1M	Choice Mixed-color Natural Wrappers. Thin, true color shades, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2M	Fine short Mixed-color Natural Wrappers. Thin, true color shades, ripe, open, small and blending fibers, 14 inches or under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A3M	Good Mixed-color Natural Wrappers. Medium body, true color shades, ripe, open, medium-sized and contrasting fibers, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3FL	Good Fleck Natural Wrappers. Medium body, ripe, firm, over 14 inches in length. Uniformity, 90 percent; injury tolerance, 10 percent.
A3K	Good Variegated Natural Wrappers. Medium body, unripe, firm. Uniformity, 90 percent; injury tolerance, 10 percent.
A3G	Good Green Natural Wrappers. Heavy body, immature, close. Uniformity, 90 percent; injury tolerance, 10 percent.

§ 29.6637 Stained (S Group).

This group consists of tied, stained tobacco from the A group.

U.S. grades	*Grade names, minimum specifications, and tolerances*
S1	Choice Stained Natural Wrappers. Thin, true color shades, ripe, open, over 14 inches in length. Uniformity, 85 percent. Tolerances: 5 percent injury, 10 percent stain parallel to the midrib.
S2	Fine Stained Natural Wrappers.

U.S. grades	*Grade names, minimum specifications, and tolerances*
	Medium body, ripe, open, over 14 inches in length. Uniformity, 70 percent. Tolerances: 10 percent injury, 20 percent stain.

§ 29.6638 Brokes (X Group).

This group consists of tied, highly injured tobacco from the A group.

U.S. grades	*Grade names and minimum specifications*
X1	Choice Natural Brokes. Medium body, true color shades ripe, open. Minimum wrapper yield 50 percent.
X2	Fine Natural Brokes. Medium body, ripe, open. Minimum wrapper yield, 25 percent.

§ 29.6639 Nondescript (N Group).

Tobacco which does not meet the specifications of the lowest grade in any other group. This tobacco may be tied in hands or packed loose.

U.S. grades	*Grade names and specifications*
N1	Best Natural Nondescript. Any tobacco except N2 which does not meet the specifications of the lowest grade in the A, S, or X groups.
N2	Lowest Natural Nondescript. Any tobacco classified as crude, damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, is stained over 20 percent, or has an odor foreign to the type.

GRADES FOR CANDELA-CURED TOBACCO

§ 29.6646 Wrappers (A Group).

This group consists of tied, elastic tobacco having at least 90 percent of uninjured surface usable for cigar wrappers.

U.S. grades	*Grade names, minimum specifications, and tolerances*
A1LG	Choice Light Green Candela Wrappers. Thin, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A1G	Choice Green Candela Wrappers. Medium body, true color shade, ripe, open, small and blending fibers, over 14 inches in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A2G	Fine Green Short Candela Wrappers. Medium body, true colo shade, ripe, open, small an blending fibers, 14 inches o under in length. Uniformity, 95 percent; injury tolerance, 5 percent.
A3YG	Good Yellowish Green Candela Wrappers. Thin to medium body, ripe open, medium-sized and con trasting fibers. Uniformity, 90 percent; injury tolerance, 10 percent.
A3FL	Good Fleck Candela Wrappers Thin to medium body, ripe firm. Uniformity, 90 percent injury tolerance, 10 percent.
A3KG	Good Dark Green and Variegate Candela Wrappers. Heavy, unripe, close. Un formity, 90 percent; injury tole ance, 10 percent.

§ 29.6647 Brokes (X Group).

This group consists of tied, highly injured tobacco from the A group.

U.S. grades	*Grade names and minimum specifications*
X1	Choice Candela Brokes. Medium body, true co shades, ripe, open. Minimu wrapper yield, 50 percent.
X2	Fine Candela Brokes. Medium body, ripe, firm. Mi mum wrapper yield, 25 percen

§ 29.6648 Nondescript (N Group).

Tobacco which does not meet th specifications of the lowest grade i any other group. This tobacco may b tied in hands or packed loose.

U.S. grades	*Grade names and specifications*
N1	Best Candela Nondescript. Any tobacco except N2 which does not meet the specifications of the lowest grades in the A or X groups.
N2	Lowest Candela Nondescript. Any tobacco classified as crude, damaged, dirty, nested, offtype, semicured, or wet; tobacco that is improperly packed, contains foreign matter, or has an odor foreign to the type.

SUMMARY OF STANDARD GRADES

§ 29.6656 Summary of standard grades.

NATURAL (AIR-CURED)

Wrappers

A1M	A3FL
A2M	A3K
A3M	A3G

Stained

S1	S2

Brokes

X1	X2

Nondescript

N1	N2

Wrappers

A1LG	A3YG
A1G	A3FL
A2G	A3KG

Brokes

X1	X2

Nondescript

N1	N2

KEY TO STANDARD GRADEMARKS

§ 29.6661 Key to standard grademarks.

Groups	*Qualities*
A—Wrappers	1—Choice.
S—Stained	2—Fine.
X—Brokes	3—Good.
N—Nondescript	

	Colors
M—Mixed color	YG—Yellowish green.
FL—Fleck	KG—Dark green, or dark green and variegated mixed.
K—Variegated	
G—Green	
LG—Light green	

Subpart D—Orders of Designation of Tobacco Markets

AUTHORITY: Sec. 5, 49 Stat. 732, as amended by sec. 157(a)(1), 95 Stat. 374 (7 U.S.C. 511d).

§ 29.8001 Designation of tobacco markets.

The Act of Congress approved August 23, 1935 (49 Stat. 731; 7 U.S.C., Chapter 21A) entitled "The Tobacco Inspection Act" contains the following provisions:

Sec. 2. That transactions in tobacco involving the sale thereof at auction as commonly conducted at auction markets are affected with a public interest; that such transactions are carried on by tobacco producers generally and by persons engaged in the business of buying and selling tobacco in commerce; that the classification of tobacco according to type, grade, and other characteristics affects the prices received therefor by producers; that without uniform standards of classification and inspection the evaluation of tobacco is susceptible to speculation, manipulation, and control, and unreasonable fluctuations in prices and quality determinations occur which are detrimental to producers and persons handling tobacco in commerce; that such fluctuations constitute a burden upon commerce and make the use of uniform standards of classification and inspection imperative for the protection of producers and others engaged in commerce and the public interested therein. * * *

Sec. 5. That the Secretary is authorized to designate those auction markets where tobacco bought and sold thereon at auction, or the products customarily manufactured therefrom, moves in commerce. Before any market is designated by the Secretary under this section he shall determine by referendum the desire of tobacco growers who sold tobacco at auction on such market during the preceding marketing season. The Secretary may at his discretion hold one referendum for two or more markets or for all markets in a type area. No market or group of markets shall be designated by the Secretary unless two-thirds of the growers voting favor it. The Secretary shall have access to the tobacco records of the Collector of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining the names and addresses of growers who sold tobacco on any auction market, and the Secretary shall determine from said records the eligibility of such grower to vote in such referendum, and no grower shall be eligible to vote in more than one referendum. After public notice of not less than thirty days that any auction market has been so designated by the Secretary, no tobacco shall be offered for sale at auction on such market until it shall have been inspected and certified by an authorized representative of the Secretary according to th standards established under this Act, excep that the Secretary may temporarily suspen the requirement of inspection and certification at any designated market whenever h finds it impracticable to provide for such inspection and certification because competent inspectors are not obtainable or because the quantity of tobacco available fo inspection is insufficient to justify the cos of such service: *Provided*, That, in the even competent inspectors are not available, o for other reasons, the Secretary is unable t provide for such inspection and certificatio at all auction markets within a type area, h shall first designate those auction market where the greatest number of growers ma be served with the facilities available t him. No fee or charge shall be imposed o collected for inspection or certificatio under this section at any designated auctio market. Nothing contained in this Act shal be construed to prevent transactions in tobacco at markets not designated by the Secretary or at designated markets where th Secretary has suspended the requirement o inspection or to authorize the Secretary t close any market.

Designated Tobacco Markets

Territory	Types of tobaccos	Auction markets	Order of designation	Citation
(a) Kentucky-Tennessee	Fire-cured, and Green River Dark Air-cured—Types 22, 23, 24 and 36.	Clarksville, Tenn.	June 18, 1936.	1 FR 757.
		Springfield, Tenn.		
		Hopkinsville, Ky.		
		Paducah, Ky.		
		Mayfield, Ky.		
		Murray Ky.		
		Madisonville, Ky.		
		Henderson, Ky.		
(b) Virginia	Fire-cured—Type 21	Lynchburg, Va.	do	Do.
		Bedford, Va.		
		Farmville, Va.		
		Blackstone, Va.		
		Drakes Branch, Va.		
(c) South Carolina	Flue-cured—Type 13	Lake City, S. C	July 1, 1936; as amended July 15, 1936.	1 FR 842, 968.
		Darlington, S. C.		
		Pamplico, S. C.		
(d) North Carolina	Flue-cured—Type 12	Farmville, N. C.	July 13, 1936.	1 FR 921.
		Goldsboro, N. C.		
(e) North Carolina	Flue-cured—Type 11(b)	Oxford, N. C.	Aug. 26, 1936.	1 FR 1416.
(f) Kentucky	Burley—Type 31	Bowling Green, Ky	Nov. 14, 1936.	1 FR 2266.
		Cynthiana, Ky.		
		Horse Cave, Ky.		
		Mt. Sterling, Ky.		
(g) North Carolina	Flue-cured	Wendell, N. C	Sept. 14, 1937.	2 FR 2169.
(h) Kentucky	Burley—Type 31	Danville, Ky	Dec. 3, 1937	2 FR 3102.
(i) Virginia	Flue-cured	South Hill, Va.	Aug. 23, 1938.	3 FR 2074.
(j) Kentucky	Green River and One-Sucker.	Owensboro, Ky	Sept. 9, 1938.	3 FR 2208.
(k) Virginia	Burley	Abingdon, Va	Nov. 16, 1938	3 FR 2734.
West Virginia		Huntington, W. Va		
Tennessee		Knoxville, Tenn.		
Kentucky		Maysville, Ky		
		Paris, Ky		
		Springfield, Ky.		
Ohio		Ripley, Ohio		

Designated Tobacco Markets—Continued

Territory	Types of tobaccos	Auction markets	Order of designation	Citation
(l) Georgia	Flue-cured	Adel, Ga	June 22, 1939	4 FR 2476.
		Douglas, Ga		
		Nashville, Ga		
(m) North Carolina	Flue-cured	Greenville, N. C	July 24, 1939	4 FR 3421.
(n) Tennessee	Fire-cured	Paris, Tenn	Nov. 7, 1939	4 FR 4537.
Kentucky	Burley	Lebanon, Ky		
		Columbia, Tenn		
		Mt. Pleasant, Tenn		
(o) Florida		Live Oak, Fla.	do	Do.
(p) Kentucky	All	Shelbyville, Ky	July 17, 1940	5 FR 2607.
(q) Georgia	Flue-cured	Danville, Va	Aug. 16, 1941	6 FR 4111.
North Carolina		Dillon, S.C		
South Carolina		Fuquay Springs-Varina, N.C.		
Virginia		Loris, S.C		
		Reidsville, N.C		
		Robersonville, N.C		
		Statesboro, Ga		
		Tarboro, N.C		
		Timmonsville, S.C		
		Williamston, N.C		
(r) Kentucky	One-sucker	Franklin, Ky	Oct. 9, 1941	6 FR 5147.
Tennessee		Mayfield, Ky		
		Russellville, Ky		
		Westmoreland, Tenn		
(s) Indiana	Burley	Asheville, N.C	Oct. 25, 1941	6 FR 5478.
Kentucky		Bloomfield, Ky		
Missouri		Boone, N.C		
North Carolina		Camp Taylor, Ky		
Tennessee		Carrollton, Ky		
		Carthage, Tenn		
		Covington, Ky		
		Fayetteville, Tenn		
		Franklin, Tenn		
		Gallatin, Tenn		
		Glasgow, Ky		
		Greensburg, Ky		
		Greeneville, Tenn		
		Harrodsburg, Ky		
		Hartsville, Tenn		
		Hopkinsville, Ky		
		Johnson City, Tenn		
		Lexington, Ky		
		Louisville, Ky		
		Madison, Ind		
		Morristown, Tenn		
		New Albany, Ind		
		New Tazewell, Tenn		
		Owensboro, Ky		
		Richmond, Ky		
		Rogersville, Tenn		
		Weston, Mo		
(t) Georgia	Flue-cured		June 26, 1942	7 FR 4811.
Florida		Ahoskie, N.C		
North Carolina		Baxley, Ga		
South Carolina		Blackshear, Ga		
Virginia		Brookneal, Va		
	Flue-cured			
		Chadbourn, N.C		
		Chase City, Va		
		Clarksville, Va		
		Clarkton, N.C		
		Conway, S.C		
		Durham, N.C		
		Fair Bluff, N.C		
		Fairmont, N.C		
		Hazlehurst, Ga		
		Henderson, N.C		
		Kenbridge, Va		

Designated Tobacco Markets—Continued

Territory	Types of tobaccos	Auction markets	Order of designation	Citation
		Kingstree, S.C		
		Kinston, N.C		
		Lake City, Fla		
		Lawrenceville, Va		
		Louisburg, N.C		
		Lumberton, N.C		
		Martinsville, Va		
		Moultrie, Ga		
		Mt. Airy, N.C		
		Mullins, S.C		
		Pelham, Ga		
		Petersburg, Va		
		Rocky Mount, N.C		
		Rocky Mount, Va		
		Roxboro, N.C		
		Sanford, N.C		
		Smithfield, N.C		
		South Boston, Va		
		Tabor City, N.C		
		Tifton, Ga		
		Vidalia, Ga		
		Wallace, N.C		
		Warrenton, N.C		
		Washington, N.C		
		Waycross, Ga		
		Whiteville, N.C		
		Wilson, N.C		
		Winston-Salem, N.C		
(u) Virginia	All	Richmond, Va	Nov. 7, 1942	7 FR 9107.
(v) Tennessee	do	Springfield and Clarksville, Tenn.	Sept. 18, 1944	9 FR 11571.
(w) Georgia	do	Quitman, Ga	Aug. 28, 1945	10 FR 11104.
(x) Georgia	do	July 22, 1946	11 FR 7967.	
(y) North Carolina	do	Clinton, N C	Aug. 9, 1946	11 FR 8712.
(z) Kentucky	do	Winchester, Ky	Oct. 30, 1946	11 FR 13099.
(aa) North Carolina	do	Fayetteville, N.C	June 17, 1947	12 FR 4015.
(bb) Maryland	do	Hughesville, La Plata, Upper Marlboro, and Waldorf, Md.	May 17, 1948	13 FR 2579.
(cc) Florida	do	Jasper, Fla	May 27, 1948	13 FR 2963.
(dd) Georgia	do	Claxton, Ga.	July 30, 1948	13 FR 4498.
(ee) Kentucky	do	London, Ky	Oct. 25, 1948	13 FR 6349.
(ff) North Carolina	do	West Jefferson, N.C	do	13 FR 6348.
(gg) North Carolina	do	Dunn, N.C.	July 15, 1949	14 FR 4514.
(hh) North Carolina	do	Ellerbe, N.C.	Aug. 25, 1949	14 FR 5364.
(ii) Kentucky, Tennessee	do	Somerset, Ky	Oct. 7, 1949	14 FR 6193.
		Sparta, Tenn		
(jj) North Carolina	do	Greensboro, N.C	June 16, 1950	15 FR 3980.
South Carolina		Windsor, N.C.		
Georgia		Hemingway, S.C		
		Sylvester, Ga		
(kk) Kentucky	All	Franklin, Ky	June 21, 1950	15 FR 4072.
		Russellville, Ky		
		Scottsville, Ky		
(ll) Tennessee, Virginia	do	Sweetwater, Tenn	July 18, 1950	15 FR 4675.
		Pennington Gap, Va.		
(mm) Kentucky	do	Mayfield, Ky	Oct. 19, 1950	15 FR 7117.
		Murray, Ky		
		Paducah, Ky		
(nn) South Carolina	do	Lamar, S.C	May 28, 1951	16 FR 5108.
(oo) Tennessee	do	Mountain City, Tenn	Nov. 1, 1951	16 FR 11260.
(pp) Florida	do	High Springs	June 2, 1954	19 FR 3211.
(qq) Tennessee	do	Newport	Oct. 27, 1954	19 FR 6878.
(rr) Georgia	do	Alma and Pearson	May 13, 1955	20 FR 3252.
(ss) Kentucky	do	Henderson, Ky	Oct. 29, 1942	20 FR 8142.
Virginia.		Gate City, Va.		
(tt) Florida	All	Madison, Fla	July 6, 1956	21 FR 4998.
Georgia		Swainsboro, Ga.		
		Thomasville, Ga.		

Designated Tobacco Markets—Continued

Territory	Types of tobaccos	Auction markets	Order of designation	Citation
(uu) Kentucky	All	Morehead	June 18, 1958	23 FR 4377.
(vv) North Carolina	......do	Yadkinville, N.C	April 15, 1970	35 FR 6107.
(ww) North Carolina	Flue-Cured	Mebane-Burlington	Mar. 11, 1983	48 FR 10291.
(xx) Georgia	Flue-Cured	Valdosta-Hahira	Apr. 19, 1985	50 FR 15537.
(yy) Virginia	Type 37	Farmville	Oct. 9, 1985	50 FR 41127.
(zz) Georgia	Flue-Cured	Baxley-Hazlehurst	July 6, 1987	52 FR 25199.
(aaa) South Carolina	Flue-Cured	Darlington-Timmonsville	July 6, 1987	52 FR 25200.
(bbb) North Carolina	Flue-Cured	Carthage-Aberdeen	Aug. 30, 1988	53 FR 33097.
(ccc) North Carolina	Flue-cured	Stoneville-Madison	Aug. 2, 1989.	54 FR 31797
(ddd) Georgia	Flue-Cured	Fitzgerald	September 4, 1990..	55 FR 35886
(eee) Georgia	Flue-Cured	Metter	September 4, 1990..	55 FR 35885

[1 FR 649, June 23, 1936. Redesignated at 14 FR 465, Feb. 3, 1949, and further redesignated at 24 FR 2776, Apr. 10, 1959, as amended at 35 FR 6107, Apr. 15, 1970; 45 FR 36957, Oct. 16, 1974; 48 FR 10291, Mar. 11, 1983; 50 FR 15537, Apr. 19, 1985; 50 FR 41127, Oct. 9, 1985; 52 FR 25199, 25200, July 6, 1987; 53 FR 33097, Aug. 30, 1988; 54 FR 31797, Aug. 2, 1989; 55 FR 35885, 35886 Sept. 4, 1990]

Subpart E—[Reserved]

Subpart F—Policy Statement and Regulations Governing the Identification and Certification of Nonquota Tobacco Produced and Marketed in a Quota Area

AUTHORITY: Pub. L. 97-98, 95 Stat. 1266, as amended (7 U.S.C. 1314f).

SOURCE: 47 FR 8980, Mar. 3, 1982, unless otherwise noted.

DEFINITIONS

§ 29.9201 Terms defined.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.9202 Approved receiving station.

Points approved by the Director at which tobacco is offered for marketing or shipment into commerce including tobacco auction warehouses, packing houses, prizeries, or places where tobacco is handled or stored.

§ 29.9203 Certification.

The documentation of class or type, weight, or other tobacco characteristics as required in § 29.9263.

§ 29.9204 Crop-lot.

The assemblage of individual lots representing the season's production of each kind or type of nonquota tobacco produced on an individual farm.

§ 29.9205 Identification number (farm serial number).

The serial number assigned to an individual farm by the appropriate office of the Agricultural Stabilization and Conservation Service.

§ 29.9206 Inspection.

The examination by an inspector of a lot or crop-lot of tobacco to make determinations necessary for proper certification.

§ 29.9207 Nonquota tobacco.

Any kind or type of tobacco not subject to production and/or marketing limitations or restrictions under regulations issued by the Agricultural Stabilization and Conservation Service.

§ 29.9208 Permissive inspection.

Permissive inspection consists of inspecting and certificating tobacco, upon the request of an interested party.

§ 29.9209 Lot.

A pile, basket, bulk, package, or other definite unit.

§ 29.9210 Office of inspection.

A field office of the inspection service of the Tobacco Division.

POLICY STATEMENT

§ 29.9221 Policy statement.

Pub. L. 97-98 enacted on December 22, 1981, amended section 320 of the Agricultural Adjustment Act of 1938, to preserve the effectiveness of the tobacco program by discouraging the production of tobacco not under quota in states where tobacco farmers have elected to comply with marketing quotas. Under the amendment, any tobacco represented by the producer as nonquota which is produced in a state where producers have approved marketing quotas shall be determined to be subject to marketing quotas for the quota tobacco produced in that state having the highest price support, with the specific exemptions provided for in section 320(b) and set out in 7 CFR parts 724, 725, and 726 of these regulations. The regulations in this subpart set out procedures for requesting a Tobacco Classification Certificate which would certify that the inspected tobacco is readily and distinguishably different from all kinds of quota tobacco, as determined through application of the standards for inspection and identification of tobacco.

ADMINISTRATION

§ 29.9231 Administration.

The Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC, 20250, is charged with the supervision of the Division and the performance of all duties assigned thereto in the administration of the act. The conduct of all services and the licensing or employment of inspection/grading/sampling personnel under these regulations shall be accomplished without discrimination as to race, color, creed, sex, or national origin. Information concerning such administration may be obtained from the Director.

§ 29.9232 Where certification is available.

Nonquota tobacco may be inspected and certified by class or type, upon request of an interested party, when th
tobacco is displayed at an approved re
ceiving station where the tobacco is ac
cessible to the inspector.

§ 29.9233 When certification will be made

Certification services for the non
quota tobacco shall be made when in
spectors are available and such sale
will not interfere with scheduled sale
on designated auction markets.

§ 29.9234 Who may obtain certification.

Certification of nonquota tobacc
may be requested by an intereste
party (applicant) by filing an applica
tion in accordance with §§ 29.9236 an
29.9237.

§ 29.9235 How to make application.

Application for certification by clas
or type of nonquota tobacco shall b
made to the office of inspection, no
less than 14 days before the date of re
quested certification. The applicatio
shall be in writing and signed by th
applicant.

§ 29.9236 Form of application.

Application for inspection and certi
fication of class or type of nonquot
tobacco shall include the following in
formation;

(a) The date of the application;

(b) The producer's certification o
the type of the tobacco, the crop yea
when produced, and where produced;

(c) The name and post office addres
of the applicant;

(d) The financial interest of the ap
plicant in the tobacco;

(e) The exact nature of the servic
desired;

(f) A statement that the tobacco i
(1) in commerce, as defined in the ac
or (2) entering such commerce; and

(g) Such other necessary informa
tion as the Director may require.

§ 29.9237 When application deemed filed.

An application shall be deemed file
when delivered to the office of inspec
tion. When an application is filed, th
date and time of filing shall be record
ed by the official receiving it.

§ 29.9238 When application may be rejected.

An application may be rejected (a) for noncompliance with the act or the regulations in this subpart, or (b) when it is not practicable to provide the service. All expenses incurred in connection with an application rejected for noncompliance with the act or the regulations in this subpart shall be paid by the applicant as provided in § 29.124 of Subpart B of this part.

§ 29.9239 When application may be withdrawn.

An application may be withdrawn at any time before the requested service is rendered. Payment of expenses incurred in connection therewith shall be paid by the applicant as provided in § 29.124 and Subpart B of this part.

§ 29.9240 Responsibilities of applicant.

Any applicant requesting class or type certification on nonquota tobacco produced in a quota area, shall obtain from the appropriate county office of the Agricultural Stabilization and Conservation Service a certificate showing the acreage of nonquota tobacco grown on each affected farm and the identification number. It shall also be the responsibility of the applicant to:

(a) Make available to the inspector any or all information required by the inspector for completion of the Tobacco Classification Certificate,

(b) Make the tobacco accessible to the inspector, and

(c) Surrender to the inspector at time of certification a copy of the ASCS certificate and sale bill.

§ 29.9241 Accessibility of tobacco.

All tobacco to be inspected and certified by class or type upon application shall be made accessible by the applicant for proper examination, including any necessary display in proper light for determination of grade, class, type, or other characteristics or for drawing of samples. Each croplot shall be displayed at an approved receiving station in a continuous and orderly sequence with no other quota, nonquota, or other producer's tobacco in between. The lots shall be arranged in rows 18 inches apart with the leaves of adjacent lots not touching within the rows. Coverings shall be removed by the applicant in such manner as may be prescribed by the inspector.

FEES AND CHARGES

§ 29.9251 Fees and charges.

Fees and charges for inspection and certification services shall comprise the cost of salaries, travel, per diem, and related expenses to cover the cost of performing the service. Fees shall be for actual time required to render the service calculated to the nearest 30-minute period. The base hourly salary rate shall be $22.30. The overtime rate for service performed outside the inspector's regularly scheduled tour of duty shall be $26.60. The rate of $33.35 shall be charged for work performed on Sundays or holidays.

[47 FR 8980, Mar. 3, 1982, as amended at 47 FR 27058, June 23, 1982; 47 FR 51723, Nov. 17, 1982; 50 FR 45805, Nov. 4, 1985]

CERTIFYING PROCEDURES

§ 29.9261 Procedure to be followed.

In certifications based on permissive inspection of nonquota tobacco produced in a state where any quota tobacco is produced, the inspector shall use the Official Standard Grades for all types of quota tobacco. The inspector shall determine by inspecting each lot in the crop-lot whether the crop-lot can be certified as the nonquota tobacco requested by the applicant. If the inspector determines upon inspection that any individual *lot* in the crop-lot meets the specifications of any grade of any quota tobacco, no certificate will be issued on any tobacco in the crop-lot.

§ 29.9262 Issuance of certificates.

A "Tobacco Classification Certificate" may be issued upon request of an applicant for nonquota tobacco certified in accordance with § 29.9261. The Tobacco Classification Certificate will be supplied by the inspection office.

§ 29.9263 Tobacco classification certificate.

Each tobacco classification certificate shall show:

(a) The caption "Tobacco Classification Certificate";

(b) Whether it is an original, first, second, or other copy;

(c) The number of the certificate;

(d) The sale bill identification number;

(e) The location of the tobacco at the time of inspection and certification;

(f) The date of certification;

(g) The class or type of tobacco;

(h) The number of lots in the crop-lot;

(i) The weight of each lot;

(j) The signature of the inspector and,

(k) Such additional information as may be required by the Director.

§ 29.9264 Forms.

Each certificate issued under this regulation shall:

(a) Show that it was issued under the Tobacco Inspection Act;

(b) Be in a form approved for the purpose by the Director, and

(c) Embody within it, written or printed terms with respect to the particular kind of service, all applicable information required by § 29.9263. Each certificate may also contain any information, not inconsistent with the act and the regulations in this subpart, as may be approved or required by the Director. The Director may, in his discretion, specify or limit the period in which a certificate shall be valid.

§ 29.9265 Disposition of certificate.

Distribution of the Tobacco Classification Certificate shall be limited to the provisions of this section. The original certificate and one copy shall be delivered or mailed to the applicant or his agent. One copy and the copy of the ASCS certificate shall be forwarded by the inspector to the Division or office of inspection.

§ 29.9266 Changes or alterations.

No change or alteration shall be made in the weight or other identification of a lot on the Tobacco Classifica-
tion Certificate after the certificatio
of class or type, and any such chang
or alteration shall constitute and b
construed as a change or alteration i
the certificate issued or authorize
under the act.

PRECLUSION

§ 29.9281 Preclusion.

The provisions of this subpart sha
not preclude the application of othe
administrative remedies or the instit
tion of criminal proceedings in appr
priate cases as provided by the act.

Subpart G—Policy Statement an Regulations Governing Avai ability of Tobacco Inspection an Price Support Services to Flu Cured Tobacco on Designate Markets

AUTHORITY: Tobacco Inspection Act,
Stat. 731 (7 U.S.C. 511 *et seq.*); Commodi
Credit Corporation Charter Act, 62 St
1070, as amended (15 U.S.C. 714 *et seq.*); s
213, Pub. L. 98-180, 97 Stat. 1149 (7 U.S
1421); 49 Stat. 731 (7 U.S.C. 511 *et seq*
unless otherwise noted.

SOURCE: 39 FR 17754, May 20, 1974, unle
otherwise noted.

§ 29.9401 Definitions.

As used in this subpart, the follo
ing terms shall have the followi
meanings:

(a) "Secretary" means the Secreta
of Agriculture of the United States,
any officer or employee of the Depa
ment to whom authority has heret
fore been delegated or may hereaft
be delegated to act in his stead.

(b) "Marketing area" means a ge
graphical area within the flue-cur
tobacco production area specified
the Secretary each year on the ba
of his determination that significa
quantities of tobacco produced in su
area are ready for marketing.

(c) "Resale tobacco" means any
bacco offered for sale, or sold,
someone other than its producer.

(d) "Nonauction-purchased tobacc
means tobacco purchased at oth
than a bona fide auction sale, as d
fined in 7 CFR 29.1(d), on a designat
market, as defined in 7 CFR 29.1(e).

(e) "Nonauction-purchased resale tobacco" means tobacco being offered for sale, or sold, at auction by a person who purchased it at other than a bona fide auction sale, as defined in 7 CFR 29.1(d), on a designated market, as defined in 7 CFR 29.1(e).

[39 FR 17754, May 20, 1974, as amended at 40 FR 31592, July 28, 1975]

§ 29.9402 Policy statement.

The sets of inspectors available to serve the flue-cured marketing areas are currently adequate to provide inspection service as rapidly as tobacco can be purchased, handled and processed by the currently existing facilities of the buyers, and the lack of inspection personnel is not a limiting factor to accelerated marketings or the extension of price support to producers. The sets of buyers assigned to the flue-cured markets by the buying industry are adequate to purchase tobacco as rapidly as it can be handled and processed by the buyers' facilities. However, the tobacco ready for marketing during most weeks of the marketing season substantially exceeds the quantities which can be purchased, handled and processed by the currently existing facilities of the buyers. Moreover, the total number of flue-cured markets are substantially greater than the number of sets of buyers assigned by the buying companies or the number of sets of available inspectors. In this situation, about 6 months is required to market a year's crop of flue-cured tobacco and all warehouses cannot be served at the same time by the available sets of inspectors and the sets of buyers assigned by the buying companies. As additional sets of inspectors would not relieve the situation, inspection service will be provided by assigning the available inspectors to the various marketing areas and to warehouses within the marketing areas in a manner determined by the Secretary to provide the best and most equitable service to all growers.

§ 29.9403 Flue-Cured Tobacco Advisory Committee.

(a) To assist the Secretary in making the apportionment and assignment of inspectors, a Flue-Cured Tobacco Advisory Committee, appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix I), shall advise and recommend to the Secretary marketing area opening dates and selling schedules for both designated and undesignated flue-cured tobacco to be sold in each marketing area and in each warehouse within each marketing area.

(b) The Committee shall consist of 39 representatives and 39 alternates of the flue-cured industry—21 producers, 10 warehousemen, and 8 buyers.

(c) Recommendations to the Secretary or producer membership on the Committee will be received from the following organizations: one each from the Florida Farm Bureau, the South Carolina Grange, and the Tobacco Growers Association of North Carolina, Inc., two each from the Georgia Farm Bureau, the South Carolina Farm Bureau, and the Virginia Farm Bureau, four from the North Carolina Grange, and eight from the North Carolina Farm Bureau.

(d) Recommendations of the 10 warehouse representatives shall be received from the various belt warehouse associations.

(e) Recommendations for the eight buyer representatives shall be received: five from the Tobacco Association of the United States and one each from Philip Morris, Inc., P. Lorillard Co. and R. J. Reynolds Tobacco Co.

[39 FR 30475, Aug. 23, 1974, as amended at 49 FR 4067, Feb. 2, 1984; 50 FR 45806, Nov. 4, 1985; 51 FR 5987, Feb. 19, 1986]

§ 29.9404 Marketing area opening dates and marketing schedules.

(a) The Flue-Cured Tobacco Advisory Committee shall recommend, to the Secretary, marketing areas in the flue-cured tobacco production area and marketing area opening dates and selling schedules for both designated and undesignated tobacco for each marketing area and for the individual warehouses in each marketing area, which specify the length of time inspectors will be available to inspect designated tobacco and undesignated tobacco and/or the quantity of designated or undesignated tobacco to be marketed in each area and through each warehouse within such marketing area. In developing such opening date and selling schedules, the Committee shall take into account the following:

(1) When a sufficient volume of tobacco produced within a specific area of the flue-cured tobacco production area will be ready for marketing;

(2) The volume of tobacco ready for marketing which the producers have designated under § 1464.2(e) of this title to be sold at specific warehouses and also the volume of tobacco ready for marketing which has not been so designated by the producer;

(3) With regard to undesignated tobacco, the Committee shall first determine, on the basis of all information available to it, the volume of undesignated tobacco in a geographical area, and then shall provide sales opportunity for each warehouse to sell an amount of the undesignated tobacco available for sale from that geographical area in proportion to the amount of tobacco designated to the warehouse in comparison to the total amount of tobacco designated in the marketing area in which the warehouse is located. Provided, however, that the Secretary may authorize additional undesignated sales opportunity if the warehouse provided proper proof that it does, in fact, have available for sale a volume of tobacco which has not previously been designated and which was eligible for designation to that warehouse had the producer chosen to designate and that such additional volume of tobacco warrants more sales opportunity than allowed by the schedule;

(4) The processing or redrying capacity of the industry and the number of inspectors available to provide inspection service during the specific period involved;

(5) Such other factors or information as may be necessary to develop an effective and equitable opening date and selling schedule.

(b) The Flue-Cured Tobacco Advisory Committee shall thereupon submit its recommended opening date and selling schedules for designated and undesignated tobacco and the geographic areas to be included in specific marketing areas to the Secretary together with a basis supporting its re
ommendations.

[39 FR 17754, May 20, 1974, as amended
39 FR 30476, Aug. 23, 1974; 40 FR 241
June 5, 1975; 40 FR 30917, July 24, 1975]

§ 29.9405 Issuance of marketing ar
opening date and selling schedules
the Secretary.

(a) The Secretary shall review t
recommendations of the Flue-Cur
Tobacco Advisory Committee a
based upon such recommendatio
and the basis therefor and such oth
information as may be available
him, shall specify the geographic are
to be encompassed by specific mark
ing areas, set the opening dates f
sale within the marketing areas a
issue the selling schedules for desi
nated and undesignated tobacco. T
inspection of flue-cured tobacco sh
be in accordance with said schedules.

(b) The Flue-Cured Tobacco Advis
ry Committee shall recommend mo
fications in the opening date and m
keting schedule during the flue-cur
tobacco marketing season as may
warranted by changes in marketi
conditions and the Secretary shall a
thereon in the same manner as a
proving the initial opening date a
marketing schedules.

[39 FR 17754, May 20, 1974, as amended
39 FR 30476, Aug. 23, 1974]

§ 29.9406 Failure of warehouse to com
with opening and selling schedule.

(a) Each warehouse shall com
with opening and selling schedu
issued by the Secretary for designat
and undesignated flue-cured tobacco.

(b) For each of any two consecuti
sales days during the marketi
season a warehouse may exceed
scheduled sales opportunity for des
nated or undesignated tobacco, b
the pounds sold during the second
third sales day must be adjusted
the warehouse will be back in comp
ance at the end of the third sales d
or no tobacco inspection or price su
port services will be made available
the next succeeding sales day. A
such adjustment which is within 1
pounds of the required reduction sh
be considered as in compliance wi
this section. During the closeo

period, if a warehouse sells tobacco in excess of that allowed by the sales schedule on either of the last two sales days of the marketing season, then such excess sales shall be deducted from its scheduled sales opportunity on the first, or more, sales days of the next marketing season.

(c) The amount of the poundage adjustment specified in paragraph (b) of this section for a warehouse selling in excess of the sales schedule shall be as follows:

(1) If the excess is 2500 pounds or less of designated producer tobacco, the adjustment in producer sales opportunity shall be one pound for each pound of excess; sales in excess of 2500 pounds shall be a violation of the sales schedule and the adjustment for the first violation shall be 2500 pounds plus the larger of 3 pounds for each pound in excess of 2500 pounds or 2500 pounds; for the second violation, the adjustment shall be 2500 pounds plus the larger of 5 pounds for each pound in excess of 2500 pounds or 5000 pounds; and for the third and subsequent violations, the adjustment shall be 2500 pounds plus the larger of 5 pounds for each pound in excess of 2500 pounds or 50 percent of a scheduled day's sales opportunity.

(2) If the excess is 500 pounds or less of undesignated producer tobacco, the adjustment in producer sales opportunity is one pound for each pound of excess; if the excess is larger than 500 pounds, the adjustment is 500 pounds plus the larger of 3 pounds for each pound in excess of 500 pounds or 1000 pounds.

(3) If the excess is designated producer tobacco that is not eligible for sale at the warehouse on the day of the sale, the adjustment in producer sales opportunity for the first violation is the larger of 3 pounds for each pound in excess or 2500 pounds, and for the second and succeeding violations, the larger of 5 pounds for each pound in excess or 5000 pounds.

(d) If, on any sales day, a warehouse does not sell the full quantity of designated or undesignated tobacco authorized to be sold at such warehouse, the designated or undesignated sales opportunity at such warehouse on the next immediate sales day shall automatically be increased by the unsold quantity except that no such increase in sales opportunity shall exceed 2500 pounds for designated tobacco or 250 pounds for undesignated tobacco.

[46 FR 56156, Nov. 16, 1981]

§ 29.9407 Records and reports.

(a) Each warehouse, on a designated market, shall provide the Secretary with any information that is requested on forms provided said warehouse by the Secretary.

(b) Each warehouse shall keep records for a period of two years from the opening of the marketing season in which the tobacco is sold, and make available to the Secretary such records as are necessary for the Secretary to verify the information required by paragraph (a) of this section.

(c) Failure to comply with the requirements of this section including but not limited to failure to provide information which is accurate, shall result in suspension of tobacco inspection services for a minimum of the equivalent of one sales day or until such time as the warehouse comes into compliance.

(Approved by the Office of Management and Budget under control number 0581-0056)

(44 U.S.C. 3506)

[46 FR 56156, Nov. 16, 1981, as amended at 47 FR 745, Jan. 7, 1982]

PART 30—TOBACCO STOCKS AND STANDARDS

Classification of Leaf Tobacco Covering Classes, Types, and Groups of Grades

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30.6 Type.
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30.13 Air-cure.
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30.15 Cigar binder.

Sec.
30.16 Cigar wrapper.
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30.31 Classification of leaf tobacco.
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30.42 Class 7; miscellaneous domestic types.
30.43 Class 8; foreign-grown cigar-leaf types.
30.44 Class 9; foreign-grown types other than cigar-leaf.

REPORTS

30.60 Reports.

ADMINISTRATION

30.61 Administration.

AUTHORITY: Sec. 2, 45 Stat. 1079, as amended (7 U.S.C. 502).

SOURCE: 39 FR 5300, Feb. 12, 1974, unless otherwise noted.

CLASSIFICATION OF LEAF TOBACCO COVERING CLASSES, TYPES AND GROUPS OF GRADES

§ 30.1 Definitions of terms used in classification of leaf tobacco.

For the purpose of §§ 30.1 through 30.44 the terms appearing in §§ 30.2 through 30.21 shall be construed as explained therein.

§ 30.2 Leaf tobacco.

Tobacco in the forms in which it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating or fermenting, and conditioning are not regarded as manufacturing processes. Leaf tobacco does not include any manufactured or semimanufactured tobacco, stems which have been removed from leaves, cuttings, clippings, trimmings, shorts, or dust.

§ 30.3 Unstemmed.

A form of leaf tobacco consisting of a collection of leaves from which the stems or midribs have not been removed, including leaf-scrap.

§ 30.4 Stemmed.

A form of leaf tobacco consisting of a collection of leaves from which the stems or midribs have been removed, including strip scrap.

§ 30.5 Class.

One of the major divisions of leaf tobacco based on the distinct characteristics of the tobacco caused by differences in varieties, soil and climatic conditions, and the methods of cultivation, harvesting, and curing.

§ 30.6 Type.

A subdivision of a class of leaf tobacco, having certain common characteristics which permit of its being divided into a number of related grades. Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 30.7 Group.

A group of grades, or a division of a type covering several closely related grades, based on the general quality of the tobacco, including the percentage of injury, and other factors. The factors that determine the group divisions also largely determine the usage or suitability of tobacco for certain purposes.

§ 30.8 Scrap.

A byproduct from handling leaf tobacco in both the unstemmed and stemmed forms, consisting of loose and tangled portions of tobacco leaves, floor sweepings, and all other tobacco materials (except stems) which accumulate in auction and storage warehouses, packing and conditioning plants, and stemmeries. Scrap which accumulates from handling unstemmed leaf tobacco is known as leaf-scrap, and scrap which accumulates from handling stemmed leaf tobacco is known as strip-scrap. The scrap group, covering both leaf-scrap and strip-scrap is designated by the letter "S".

§ 30.9 Nondescript.

Any tobacco of a certain type which cannot be placed in other groups of the type, or any nested tobacco, or any muddy or extremely dirty tobacco, or any tobacco containing an unusual quantity of foreign matter, or any crude tobacco, or any tobacco which is damaged to the extent of 20 percent or more, or any tobacco infested with live tobacco beetles or other injurious insects, or any wet tobacco, or any tobacco that contains fat stems or wet butts. The nondescript group is designated by the letter "N".

[39 FR 11893, Apr. 1, 1974]

§ 30.10 Cure.

To dry the sap from newly harvested tobacco by either natural or artificial process. Proper curing is done under such conditions as will permit of the chemical and physiological changes necessary to develop the desired quality of color in tobacco.

§ 30.11 Flue-cure.

To cure tobacco under artificial atmospheric conditions by a process of regulating the heat and ventilation without allowing smoke or fumes from the fuel to come in contact with the tobacco.

§ 30.12 Fire-cure.

To cure tobacco under artificial atmospheric conditions by the use of open fires, the smoke and fumes of which are allowed to come in contact with the tobacco.

§ 30.13 Air-cure.

To cure tobacco under natural atmospheric conditions without the use of fire, except for the purpose of preventing pole burn (house burn) in damp weather.

§ 30.14 Cigar filler.

The tobacco that forms the core or inner part of a cigar. Cigar-filler tobacco is tobacco of the kind and quality commonly used for cigar fillers. Cigar-filler types are those which produce chiefly tobacco suitable for cigar-filler purposes.

§ 30.15 Cigar binder.

A portion of a tobacco leaf rolled around the filler of a cigar to bind or hold it together and form the first covering. Cigar-binder tobacco is tobacco of the kind and quality commonly used for cigar binders. Cigar-binder types are those which produce chiefly tobacco suitable for cigar-binder purposes.

§ 30.16 Cigar wrapper.

A portion of a tobacco leaf forming the outer covering of a cigar. Cigar-wrapper tobacco is tobacco of the kind and quality commonly used for cigar wrappers. Cigar-wrapper types are those which produce chiefly tobacco suitable for cigar-wrapper purposes.

§ 30.17 Damage.

The effect of mold, must, rot, black rot, or other fungous or bacterial diseases which attack tobacco in its cured state. Any tobacco having the odor of mold, must, or rot shall be included in damaged tobacco. (Note distinction between "damage" and "injury.")

§ 30.18 Injury.

Hurt or impairment from any cause except the fungous or bacterial diseases which attack tobacco in its cured state. Injured tobacco shall include any dead, burnt, or ragged tobacco; or tobacco that has been torn or broken, frozen or frosted, sunburned or scalded, scorched or fire-killed, bulk-burnt or stem-burnt, pole burnt or house burnt, bleached or bruised; or tobacco containing discolored or deformed leaves; or tobacco hurt by insects; or tobacco affected by wild-fire, black fire, rust, frogeye, mosaic, frenching, sanddrown, or other field diseases.

§ 30.19 Nested.

Any lot of tobacco which has been so handled or packed as to conceal damaged, injured, tangled, or inferior tobacco, or foreign matter.

§ 30.20 Crude.

A subdegree of maturity, crude leaves usually have the general appearance of being raw and unfinished as a result of extreme immaturity. Crude tobacco ordinarily has a characteristic green color.

§ 30.21 Foreign matter.

Any substance or material extraneous to tobacco leaves, such as dirt, sand, stalks, suckers, straws, and strings.

§ 30.31 Classification of leaf tobacco.

For the purpose of this classification leaf tobacco shall be divided into the following classes:

Class 1. Flue-cured types.
Class 2. Fire-cured types.
Class 3.[1] Air-cured types.
Class 4. Cigar-filler types.
Class 5. Cigar-binder types.
Class 6. Cigar-wrapper types.
Class 7. Miscellaneous domestic types.
Class 8. Foreign-grown cigar-leaf types.
Class 9. Foreign-grown types, other than cigar types.

For the purpose of this classification the classes shall be divided into the types and groups set forth in §§ 30.36 through 30.44.

§ 30.36 Class 1; flue-cured types and groups.

All flue-cured tobacco is graded under the same set of Official Standard Grades for Flue-cured Tobacco (U.S. Types 11, 12, 13, and 14). Flue-cured types are defined according to established general geographical areas of production. However, the determination as to type designations are based upon and indicate the geographic location where inspection and certification are performed—and do not necessarily identify the production area in which the tobacco was grown.

(a) *Type 11a.* That type of flue-cured tobacco commonly known as Western Flue-cured or Old Belt Flue-cured, produced principally in the Piedmont sections of Virginia and North Carolina.

(b) *Type 11b.* That type of flue-cured tobacco commonly known as Middle Belt Flue-cured, produced principally in a section lying between the Piedmont and coastal plains regions of Virginia and North Carolina.

(c) *Type 12.* That type of flue-cured tobacco commonly known as Eastern Flue-cured or Eastern Carolina Flue-cured, produced principally in the coastal plains section of North Carolina, north of the South River.

(d) *Type 13.* That type of flue-cured tobacco commonly known as Southeastern Flue-cured or South Carolina Flue-cured, produced principally in the coastal plains section of South Carolina and the southeastern counties of North Carolina, south of the South River.

(e) *Type 14.* That type of flue-cured tobacco commonly known as Southern Flue-cured, produced principally in the southern section of Georgia, in northern Florida, and to some extent in Alabama.

Groups applicable to types 11, 12, 13, and 14:

A—Wrappers.
B—Leaf.
H—Smoking Leaf.
C—Cutters.
X—Lugs.
P—Primings.
N—Nondescript, as defined.
S—Scrap, as defined.

§ 30.37 Class 2; fire-cured types and groups.

(a) *Type 21.* That kind of fire-cured tobacco commonly known as Virginia Fire-cured, or Dark-fired, produced principally in the Piedmont and mountain sections of Virginia.

(b) *Type 22.* That type of fire-cured tobacco, known as Eastern District Fire-cured, produced principally in a section east of the Tennessee River in southern Kentucky and northern Tennessee.

(c) *Type 23.* That type of fire-cured tobacco, known as Western District Fire-cured or Dark-fired, produced principally in a section west of the Tennessee River in Kentucky and extending into Tennessee.

Groups applicable to types 21, 22, and 23

A—Wrappers.
B—Heavy Leaf.
C—Thin Leaf.
X—Lugs.
N—Nondescript, as defined.
S—Scrap, as defined.

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[1] Class 3 covers Air-cured tobacco other than cigar leaf. This class may be subdivided as follows: Class 3a, Light Air-cured tobacco, including types 31 and 32, and Class 3b, Dark Air-cured tobacco, including types 35, 36, and 37.

§ 30.38 Class 3; air-cured types and groups.

(a) *Type 31.* That type of air-cured tobacco, commonly known as Burley, produced principally in Kentucky, Tennessee, Virginia, North Carolina, Ohio, Indiana, West Virginia, and Missouri.

Groups applicable to type 31:
X—Flyings.
C—Lugs or Cutters.
B—Leaf.
T—Tips.
M—Mixed.
N—Nondescript, as defined.
S—Scrap, as defined.

(b) *Type 31-V.* Notwithstanding the definitions of "Type" and "Type 31", any tobacco having the general visual characteristics of quality, color, and length of Class 3, Type 31, air-cured tobacco, but which is a low-nicotine strain or variety, produced and to be marketed under such restrictions or controls as shall be specified by the Director of the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, and which in its cured state is found by an authorized representative of the Department to have a nicotine content of not more than eight-tenths of one percent ($\frac{8}{10}$ of 1%), oven dry weight, shall not be classified as Type 31 but shall be classified and designated upon certification by the Department as Type 31-V. No groups are established for Type 31-V.

(c) *Restrictions and controls relating to the production and marketing of Type 31-V tobacco as a prerequisite to the classification and certification of such tobacco*—(1) *Declaration of seed or seedlings.* Tobacco shall be produced from seed or seedlings declared to be a suitable low-nicotine strain or variety for the production of Type 31-V, by an agency or agencies designated by the Director of the Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture.

(2) *Production under contract.* Type 31-V tobacco shall be grown under contract with a dealer in tobacco or a manufacturer of tobacco products. In addition to any other provisions not inconsistent herewith, the contract shall provide that:

(i) The dealer or manufacturer shall furnish to the grower seed or seedlings declared therefor as provided in paragraph (c)(1) of this section.

(ii) The grower shall deliver to the dealer or manufacturer all tobacco produced from such seed or seedlings;

(iii) The grower shall produce not in excess of the number of acres of low-nicotine tobacco specified in the contract;

(iv) The grower shall establish clear lines of demarcation between the low-nicotine tobacco and any other type of tobacco grown on the farm; and

(v) The low-nicotine tobacco shall be housed and handled separately and shall not be commingled with any other type of tobacco: *Provided,* That this provision shall not prohibit the housing of low-nicotine and other types of tobacco in the same curing barn so long as the low-nicotine tobacco is clearly identified and is not commingled with any other type of tobacco.

(3) *Filing of copy of contract.* A copy of each contract referred to in paragraph (c)(2) of this section shall be filed by the dealer or manufacturer with the Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, by May 1 of each year.

(4) *Restrictions on sale and marketing.* The low-nicotine tobacco shall not be offered for sale, sold, marketed, or otherwise disposed of unless such tobacco is clearly represented and identified as being low-nicotine tobacco: *Provided,* That this restriction shall not apply to products manufactured from such tobacco.

(5) *Nicotine content.* The nicotine content of the tobacco in its cured state, based on an official sample drawn and selected as being representative of the whole production from the acreage of low-nicotine tobacco planted under said contract by the same grower during the same calendar year, shall not be more than eight-tenths of one percent ($\frac{8}{10}$ of 1%) oven dry weight.

(6) *Furnishing of information.* Each dealer or manufacturer and each grower shall, from time to time, furnish to the Director of the Tobacco Division, such information as shall be

requested relating to his production, stocks, and disposition of low-nicotine tobacco.

(7) *Prohibitions relating to seed and plants.* No seed shall be saved or harvested from the tobacco produced under a contract referred to in paragraph (d)(2) of this section. No grower to whom seed or seedlings is furnished pursuant to paragraph (d)(2)(i) of this section shall deliver or transfer any such seed or any plant produced therefrom to any other person.

(8) *Designation of seed or seedlings declaring agencies.* The Kentucky Agricultural Experiment Station, Lexington, Kentucky, is designated as an agency for the declaration of seed or seedlings pursuant to paragraph (d)(1) of this section.

(9) *Definitions.* For the purposes of the restrictions and controls hereinbefore set forth a "dealer" or a "manufacturer" shall be a dealer in tobacco or a manufacturer of tobacco products.

(d) *Type 32.* That type of air-cured tobacco commonly known as Southern Maryland tobacco or Maryland Air-cured, and produced principally in southern Maryland. (Upper Country Maryland is classed as "miscellaneous domestic.")

Groups applicable to type 32:
X—Seconds.
C—Bright-crop or Thin-crop.
B—Dull-crop or Heavy-crop.
T—Tips.
N—Nondescript, as defined.
S—Scrap, as defined.

(e) *Type 35.* That type of air-cured tobacco commonly known as One Sucker Air-cured, Kentucky-Tennessee-Indiana One Sucker, or Dark Air-cured One Sucker, including the upper Cumberland District One Sucker, and produced principally in northern Tennessee, south central Kentucky, and southern Indiana.

(f) *Type 36.* That type of air-cured tobacco commonly known as Green River, Green River Air-cured, or Dark Air-cured of the Henderson and Owensboro Districts, and produced principally in the Green River section of Kentucky.

(g) *Type 37.* That type of air-cured or sun-cured tobacco commonly known as Virginia Sun-cured, Virginia Sun and Air-cured, or Dark Air-cured of Virginia, and produced principally in the central section of Virginia north of the James River.

Groups applicable to types 35, 36, and 37:
A—Wrappers.
B—Heavy Leaf.
C—Thin Leaf.
T—Tips.
X—Lugs.
N—Nondescript, as defined.
S—Scrap, as defined.

§ 30.39 Class 4; cigar-filler types and groups.

(a) *Type 41.* That type of cigar-leaf tobacco commonly known as Pennsylvania Seedleaf or Pennsylvania Broadleaf, produced principally in Lancaster County, Pennsylvania, and adjoining counties and including other areas of Pennsylvania and Maryland in which the seedleaf variety is grown.

Groups applicable to type 41:
C—Stripper.
X—Straight Stripped.
Y—Farm Filler.
N—Nondescript, as defined.

(b) *Type 42.* That type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley Section of Ohio and extending into Indiana.

(c) *Type 43.* That type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley Section of Ohio and extending into Indiana.

(d) *Type 44.* That type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley Section of Ohio.

Groups applicable to types 42, 43, and 44:
X—Straight Stripped.
N—Nondescript, as defined.

(e) *Type 46.* That type of cigar-leaf tobacco commonly known as Puerto Rican Filler, produced principally in the inland and semicoastal areas of Puerto Rico.

Groups applicable to type 46:
C—Strippers.
X—Grinders.
N—Nondescript, as defined.
S—Scrap, as defined.

§ 30.40 Class 5; cigar-binder types and groups.

(a) *Type 51.* That type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced principally in the Connecticut River Valley.

(b) *Type 52.* That type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed or Havana Seed of Connecticut and Massachusetts, produced principally in the Connecticut River Valley.

Groups applicable to types 51 and 52:
B—Binder.
X—Nonbinder.
N—Nondescript, as defined.
S—Scrap, as defined.

(c) *Type 53.* That type of cigar-leaf tobacco commonly known as York State or Havana Seed of New York, and Pennsylvania, produced principally in the Big Flats and Onondaga sections of New York State, and extending into Pennsylvania.

(d) *Type 54.* That type of cigar-leaf tobacco commonly known as Southern Wisconsin Cigar-leaf or Southern Wisconsin Binder-type, produced principally south and east of the Wisconsin River.

(e) *Type 55.* That type of cigar-leaf tobacco commonly known as Northern Wisconsin Cigar-leaf or Northern Wisconsin Binder-type, produced principally north and west of the Wisconsin River and extending into Minnesota.

Groups applicable to types 53, 54, and 55:
B—Binder.
C—Stripper.
X—Straight Stripped.
Y—Farm Filler.
N—Nondescript, as defined.
S—Scrap, as defined.

§ 30.41 Class 6; cigar-wrapper types and groups.

(a) *Type 61.* That type of shade-grown tobacco known as Connecticut Valley Shade-grown, produced principally in the Connecticut Valley section of Connecticut and Massachusetts.

(b) *Type 62.* That type of shade-grown tobacco known as Georgia and Florida Shade-grown, produced principally in southwestern Georgia and in the central part of northern Florida.

Groups applicable to types 61 and 62:
A—Wrappers.
S—Stained.
X—Brokes.
N—Nondescript, as defined.

§ 30.42 Class 7; miscellaneous domestic types.

No group divisions are established for any of the types in Class 7. Notwithstanding the definitions of "Class," "Type," "Type 11," "Type 12," "Type 13," and "Type 14," any tobacco having the general visual characteristics of quality, color and length of the types and groups contained in Class 1, flue-cured tobacco, but which is a strain or variety found in its cured state by an authorized representative of the Department to have a nicotine content of not more than eight-tenths of one per cent (8/10 of 1%), oven dry weight, shall be designated upon certification by the Department as Class 7: *Provided*, That for the purpose of establishing and maintaining the identity of such tobacco, it shall not be sold or offered for sale through customary marketing channels for Class 1, flue-cured tobacco; and it shall be identified in accordance with instructions issued by the Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, covering certification of seed or seedlings, contracts for production, designation and demarcation of fields in which grown, maintenance of separate identity of such tobacco from other tobacco, furnishing of samples and furnishing of such information as may be requested relating to production, stocks, and disposition of such tobacco. For tobacco stocks reporting purposes, all miscellaneous domestic tobacco shall be designated as follows:

(a) Type 72: That type of tobacco commonly known as Louisiana Perique, or Perique, produced principally in St. James Parish located in southeastern Louisiana.

(b) Type 73: All domestic-grown tobacco not otherwise classified, including tobacco cured in the same manner as Class 1, flue-cured tobacco, but having a nicotine content of not more than eight-tenths of one percent (8/10 of 1%), oven dry weight. Also included in the miscellaneous types are such types as Ohio Flue-cured and Fire-cured (known as Eastern Ohio), Upper Country Maryland, California, Turkish, and Virginia One-sucker, and the production of the insular possessions of the United States not otherwise classified.

§ 30.43 Class 8; foreign-grown cigar-leaf types.

No group divisions are established for any of the types in Class 8. Type designations for Class 8 tobacco are based on the country from which the tobacco is imported, with no reference to physical characteristics. For tobacco stocks reporting purposes, foreign-grown cigar leaf shall be designated as follows:

(a) *Type 81*	Cuba
(b) *Type 82*	Indonesia
(c) *Type 83*	Philippine Islands
(d) *Type 84*	Brazil
(e) *Type 85*	Colombia
(f) *Type 86*	Dominican Republic
(g) *Type 87*	Paraguay
(h) *Type 88*	Mexico
(i) *Type 89*	All other foreign-grown cigar leaf.

§ 30.44 Class 9; foreign-grown types other than cigar leaf.

No group divisions are established for any of the types in Class 9. Type designations for class 9 are based on (a) utilization, (b) curing method, or both, with no reference to physical characteristics. For tobacco stocks reporting purposes, all foreign-grown tobacco other than cigar leaf shall be designated as follows:

(a) *Type 91.* Foreign grown tobacco commonly known a soriental or aromatic, used principally in blends of cigarette and pipe tobacco.

(b) *Type 92.* Foreign-grown flue-cured tobacco.

(c) *Type 93.* Foreign-cured burley tobacco.

REPORTS

§ 30.60 Reports.

Within fifteen (15) days after January 1, April 1, July 1, and October 1 of each year, all manufacturers, dealers, grower cooperative associations, owners or agents, other than the original grower of the tobacco and manufacturers who produced less than 185,000 cigars, or 750,000 cigarettes or 35,000 pounds of manufactured tobacco during the first three quarters of the preceding calendar year, shall complete and mail to the Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, in the detail required on forms available from him, reports showing the following information as to leaf tobacco in leaf and sheet form:

(a) *Tobacco in leaf form.* The pounds of tobacco in leaf form owned on the first day of the applicable quarter, with all stocks reported by types of tobacco and whether stemmed or unstemmed; and

(b) *Tobacco in sheet form.* The pounds of leaf tobacco stemmed or unstemmed included in and represented by all stocks of tobacco sheet owned on the first day of the applicable quarter, segregated by the classification and type of tobacco included in and represented by such tobacco sheet and further segregated as to whether for cigar binder or wrapper, or for cigarettes, except that a purchaser of tobacco sheet may, in lieu of the above report the pounds of sheet tobacco owned on the first day of the applicable quarter, segregated as to whether for cigar binder or wrapper, or for cigarettes and give the name of the firm or firms which produced such sheet tobacco.

ADMINISTRATION

§ 30.61 Administration.

The Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington DC 20250, is charged with the supervision of the Division and the performance of all duties assigned thereto in the administration of the Tobacco Stocks and Standards Act. The conduct of all services, classification of leaf tobacco, or employment of inspection/grading/sampling personne under these regulations shall be accomplished without discrimination as to race, color, religion, sex, or nationa origin. Information concerning such administration may be obtained from the Director.

PART 31—WOOL STANDARDS

OFFICIAL STANDARDS OF THE UNITED STATES FOR GRADES OF WOOL

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OFFICIAL STANDARDS OF THE UNITED STATES FOR GRADES OF WOOL TOP

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METHODS FOR DETERMINING GRADE OF WOOL TOP

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31.401 Cost of standard samples for wool grades.
31.402 Cost of standard samples for wool top grades.

AUTHORITY: Secs. 1-3, 45 Stat. 593, 594, secs. 203, 205, 60 Stat. 1087, 1090 (7 U.S.C. 415b-415d, 1622, 1624).

OFFICIAL STANDARDS OF THE UNITED STATES FOR GRADES OF WOOL

SOURCE: Sections 31.0 to 31.16 appear at 30 FR 10829, Aug. 20, 1965, unless otherwise noted.

§ 31.0 Official grades.

The official grades of wool shall be those established in §§ 31.1 through 31.16: *Provided, however,* That the wool which qualifies for any of the grades in §§ 31.1 through 31.15 on the basis of its average fiber diameter shall be reduced in grade to the next coarser grade if its standard deviation in fiber diameter exceeds the maximum specified for the grade to which the average fiber diameter corresponds.

§ 31.1 Finer than grade 80's.

Wool with an average fiber diameter of 17.69 microns or less and a standard deviation in fiber diameter of 3.59 microns or less.

§ 31.2 Grade 80's.

Wool with an average fiber diameter of 17.70 to 19.14 microns, inclusive, and a standard deviation in fiber diameter of 4.09 microns or less.

§ 31.3 Grade 70's.

Wool with an average fiber diameter of 19.15 to 20.59 microns, inclusive, and a standard deviation in fiber diameter of 4.59 microns or less.

§ 31.4 Grade 64's.

Wool with an average fiber diameter of 20.60 to 22.04 microns, inclusive, and a standard deviation in fiber diameter of 5.19 microns or less.

§ 31.5 Grade 62's.

Wool with an average fiber diameter of 22.05 to 23.49 microns, inclusive, and a standard deviation in fiber diameter of 5.89 microns or less.

§ 31.6 Grade 60's.

Wool with an average fiber diameter of 23.50 to 24.94 microns, inclusive, and a standard deviation in fiber diameter of 6.49 microns or less.

§ 31.7 Grade 58's.

Wool with an average fiber diameter of 24.95 to 26.39 microns, inclusive, and a standard deviation in fiber diameter of 7.09 microns or less.

§ 31.8 Grade 56's.

Wool with an average fiber diameter of 26.40 to 27.84 microns, inclusive, and a standard deviation in fiber diameter of 7.59 microns or less.

§ 31.9 Grade 54's.

Wool with an average fiber diameter of 27.85 to 29.29 microns, inclusive, and a standard deviation in fiber diameter of 8.19 microns or less.

§ 31.10 Grade 50's.

Wool with an average fiber diameter of 29.30 to 30.99 microns, inclusive, and a standard deviation in fiber diameter of 8.69 microns or less.

§ 31.11 Grade 48's.

Wool with an average fiber diameter of 31.00 to 32.69 microns, inclusive, and a standard deviation in fiber diameter of 9.09 microns or less.

§ 31.12 Grade 46's.

Wool with an average fiber diameter of 32.70 to 34.39 microns, inclusive, and a standard deviation in fiber diameter of 9.59 microns or less.

§ 31.13 Grade 44's.

Wool with an average fiber diameter of 34.40 to 36.19 microns, inclusive, and a standard deviation in fiber diameter of 10.09 microns or less.

§ 31.14 Grade 40's.

Wool with an average fiber diameter of 36.20 to 38.09 microns, inclusive, and a standard deviation in fiber diameter of 10.69 microns or less.

§ 31.15 Grade 36's.

Wool with an average fiber diameter of 38.10 to 40.20 microns, inclusive, and a standard deviation in fiber diameter of 11.19 microns or less.

§ 31.16 Coarser than grade 36's.

Wool with an average fiber diamete of 40.21 microns or more.

OFFICIAL STANDARDS OF THE UNITED STATES FOR GRADES OF WOOL TOP

SOURCE: Sections 31.100 to 31.116 appea at 33 FR 19073, Dec. 21, 1968, unless otherwise noted.

§ 31.100 Official grades.

The official grades of wool top shal be those established in §§ 31.10 through 31.116: *Provided, howeve* That wool top which qualifies for an of the grades in §§ 31.101 throug 31.116 on the basis of its average fibe diameter but fails to meet the fiber diameter dispersion requirements fo that grade shall be assigned a dua grade designation. In such case, th first designation shall indicate th grade based on the average fiber diameter and the second designation shal be that of the next coarser grade an shall indicate merely that the fiber diameter dispersion does not meet th requirements specified for the grad corresponding to the average fiber diameter.

§ 31.101 Finer than grade 80's.

Wool top with an average fiber diameter of 18.09 microns or less and fiber diameter dispersion that meet the following requirements:

25 microns and under—not less than 95 per cent.
25.1 microns and over—not more than 5 per cent.
30.1 microns and over—not more than 1 per cent.

§ 31.102 Grade 80's.

Wool top with an average fiber diameter of 18.10 to 19.59 microns, inclusive, and a fiber diameter dispersio that meets the following requirements:

25 microns and under—not less than 91 per cent.
25.1 microns and over—not more than 9 per cent.
30.1 microns and over—not more than 1 per cent.

§ 31.103 Grade 70's.

Wool top with an average fiber diameter of 19.60 to 21.09 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

25 microns and under—not less than 83 percent.
25.1 microns and over—not more than 17 percent.
30.1 microns and over—not more than 3 percent.

§ 31.104 Grade 64's.

Wool top with an average fiber diameter of 21.10 to 22.59 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

30 microns and under—not less than 92 percent.
30.1 microns and over—not more than 8 percent.
40.1 microns and over—not more than 1 percent.

§ 31.105 Grade 62's.

Wool top with an average fiber diameter of 22.60 to 24.09 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

30 microns and under—not less than 86 percent.
30.1 microns and over—not more than 14 percent.
40.1 microns and over—not more than 1.50 percent.

§ 31.106 Grade 60's.

Wool top with an average fiber diameter of 24.10 to 25.59 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

30 microns and under—not less than 80 percent.
30.1 microns and over—not more than 20 percent.
40.1 microns and over—not more than 2 percent.

§ 31.107 Grade 58's.

Wool top with an average fiber diameter of 25.60 to 27.09 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

30 microns and under—not less than 72 percent.
30.1 microns and over—not more than 28 percent.
50.1 microns and over—not more than 1 percent.

§ 31.108 Grade 56's.

Wool top with an average fiber diameter of 27.10 to 28.59 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

30 microns and under—not less than 62 percent.
30.1 microns and over—not more than 38 percent.
50.1 microns and over—not more than 1 percent.

§ 31.109 Grade 54's.

Wool top with an average fiber diameter of 28.60 to 30.09 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

30 microns and under—not less than 54 percent.
30.1 microns and over—not more than 46 percent.
50.1 microns and over—not more than 2 percent.

§ 31.110 Grade 50's.

Wool top with an average fiber diameter of 30.10 to 31.79 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

30 microns and under—not less than 44 percent.
30.1 microns and over—not more than 56 percent.
50.1 microns and over—not more than 2 percent.

§ 31.111 Grade 48's.

Wool top with an average fiber diameter of 31.80 to 33.49 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

40 microns and under—not less than 75 percent.
40.1 microns and over—not more than 25 percent.
60.1 microns and over—not more than 1 percent.

§ 31.112 Grade 46's.

Wool top with an average fiber diameter of 33.50 to 35.19 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

40 microns and under—not less than 68 percent.
40.1 microns and over—not more than 32 percent.
60.1 microns and over—not more than 1 percent.

§ 31.113 Grade 44's.

Wool top with an average fiber diameter of 35.20 to 37.09 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

40 microns and under—not less than 62 percent.
40.1 microns and over—not more than 38 percent.
60.1 microns and over—not more than 2 percent.

§ 31.114 Grade 40's.

Wool top with an average fiber diameter of 37.10 to 38.99 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

40 microns and under—not less than 54 percent.
40.1 microns and over—not more than 46 percent.
60.1 microns and over—not more than 3 percent.

§ 31.115 Grade 36's.

Wool top with an average fiber diameter of 39.00 to 41.29 microns, inclusive, and a fiber diameter dispersion that meets the following requirements:

40 microns and under—not less than 44 percent.
40.1 microns and over—not more than 56 percent.
60.1 microns and over—not more than 4 percent.

§ 31.116 Coarser than grade 36's.

Wool top with an average fiber diameter of 41.30 microns or over.

DEFINITIONS

§ 31.200 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

[30 FR 10830, Aug. 20, 1965]

§ 31.201 Terms defined.

For the purposes of this part, unless the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Department.* The United States Department of Agriculture.

(b) *Consumer and Marketing Service.* The Agricultural Marketing Service of the Department.

(c) *Administrator.* The Administrator of the Agricultural Marketing Service, or any officer or employee of the Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) *Division.* The Livestock Division of the Agricultural Marketing Service.

(e) *Director.* The Director of the Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(f) *Grade.* (1) With respect to wool, this term means a numerical designation of wool fineness based on average fiber diameter and variation of fiber diameter. It does not include characteristics such as length, crimp, strength, elasticity, luster, hand, and color—all of which affect the spinnability of wool and the properties of the yarn and fabric and which are usually referred to as "quality." Neither does it apply to wool by geographic origin, breed of sheep, manner of preparation for market, or a combination of characteristics which makes wool appropriate for a specific use. These characteristics are usually referred to as "type."

(2) With respect to wool top, this term means a numerical designation of wool top fineness based on average fiber diameter and fiber diameter dispersion. It does not include characteristics such as length, crimp, strength,

elasticity, luster, hand, and color—all of which affect the spinnability of wool and the properties of the yarn and fabric. These characteristics are usually referred to as "quality."

(g) *Wool.* The fiber from the fleece of sheep.

(h) *Wool top.* A continuous untwisted strand of scoured wool fibers from which the shorter fibers or noils have been removed by combing.

(i) *Fineness.* This term refers to fiber diameter.

(j) *Average fiber diameter.* The sum of the individual fiber diameter measurements divided by the number of fibers measured, as described in § 31.204(a).

(k) *Micron.* A unit of linear measurement equal to 1/1000 millimeter or 1/25400 inch.

(l) *Grease wool.* Wool, as obtained from living sheep.

(m) *Scoured wool.* Wool from which the bulk of the impurities have been removed by washing in warm water, soap, and alkali or by an equivalent process.

(n) *Fleece.* The wool of one sheep obtained by shearing.

(o) *Skirted fleece.* A fleece from which the belly, britch, and stained portions have been removed.

(p) *Sorted wool.* Wool removed from various parts of fleeces and combined into different groups or sorts, each of which has closely similar fineness, length, and other qualities.

(q) *Pulled wool.* Wool obtained from the pelts of slaughtered sheep by pulling or similar means after subjecting the pelt to sweating, the use of a depilatory, or other auxiliary treatment to loosen the wool fibers from the skin.

(r) *Card sliver.* Wool that has been scoured and carded and formed into a continuous, untwisted strand of loosely assembled fibers.

(s) *Lot.* (1) With respect to wool, this term means the entire quantity of wool or card sliver constituting the subject of consideration or test.

(2) With respect to wool top, this term means the entire quantity of wool top constituting the subject of consideration or test.

(t) *Sample.* (1) With respect to wool, this term means a suitable amount of wool representing a lot, obtained as described in § 31.204(a)(5).

(2) With respect to wool top, this term means four slivers of top obtained as described in § 31.301(a)(4).

(u) *Test specimen.* (1) With respect to wool, this term means a representative portion of the sample obtained and prepared as described in § 31.204(a)(6).

(2) With respect to wool top, this term means a sliver of wool top, at least 1 yard (0.91 meter) long, obtained as described in § 31.301(a)(4).

(v) *Test.* (1) With respect to wool, this term means a determination by measurement of the average fiber diameter and the standard deviation of a sample of wool, in accordance with the procedures provided in § 31.204.

(2) With respect to wool top, this term means a determination by measurement of the average fiber diameter and the fiber diameter dispersion of a sample of wool top, in accordance with procedures provided in § 31.301.

(w) *Core sampling.* A method of coring a package of wool by means of special tools to obtain a representative sample of the wool according to the appropriate procedures described in § 31.204(a)(5).

(x) *Hand sampling.* A method of drawing by hand many small handfuls of wool to obtain a representative sample of the wool according to the appropriate procedures described in § 31.204(a)(5)

(y) *Major sort.* The wool of one grade that is greater by weight than any other grade in a fleece.

(z) *Standards.* The official standards of the United States for grades of wool and wool top.

(aa) *Standard samples.* Physical samples representative of the standards.

(bb) *Bulk sample.* A quantity of wool selected for use in the preparation of standard samples.

[30 FR 10830, Aug. 20, 1965, as amended at 33 FR 19074, Dec. 21, 1968]

METHODS FOR DETERMINING GRADE OF WOOL

SOURCE: Sections 31.202 to 31.204 appear at 30 FR 10831, Aug. 20, 1965, unless otherwise noted.

§ 31.202 General.

The official standards of the United States for grades of wool, as defined in §§ 31.1-31.16, shall be the basis of classification of wool by grade. Grade may be determined by inspection, usually by comparison of the fiber diameters of the wool being graded with the fiber diameters of samples representative of standards; or by measuring a prescribed number of fibers of a sample, calculating the average and standard deviation of fiber diameter and comparing the average and standard deviation with the diameter specifications for grades of wool. The provisions in §§ 31.203 through 31.204 prescribe methods for making such determinations. Both methods for determining grade shall be official; however, if the grade as determined by inspection differs from that determined by measurement, the grade determined by measurement shall prevail.

§ 31.203 Inspection method.

Determination of the grade of wool by inspection frequently will be facilitated by comparing the fiber fineness of a sample of wool representative of the lot with the fiber fineness of valid standard wool samples representative of the official grades, in accordance with the procedure described in this section. A core sample is not satisfactory for determination of grade by the inspection method. When using the standard wool samples, the following procedures shall be followed:

(a) *Procedure for wools not in fleece form.* The fibers in the lot sample shall be compared with the fibers in the standard wool samples. The grade of the lot shall be designated as the grade corresponding to the standard wool sample which the lot sample most nearly matches in fineness.

(b) *Procedure for fleeces.* (1) For fleeces that have a major sort, the grade of the major sort shall be determined in accordance with the procedure specified in paragraph (a) of this section, and this shall be designated as the grade of the fleece.

(2) For fleeces that do not have a major sort, the grade of the entire fleece shall be determined in accordance with the procedure specified in paragraph (a) of this section.

§ 31.204 Measurement method.

The determination of the grade of wool by measurement shall be by comparison of the measured average and standard deviation of fiber diameter with the specifications of the United States standards. This determination shall be made in accordance with the procedure for determining average and standard deviation of fiber diameter provided in paragraph (a) of this section and the procedure for designating grade provided in paragraph (b) of this section.

(a) *Procedure for determining average and standard deviation of fiber diameter*—(1) *Scope.* The procedure set forth in this section shall be used in the determination of the average and standard deviation of fiber diameter of grease wool, scoured wool, pulled wool, or wool in the form of card sliver.

(2) *Principle of procedure.* The average and standard deviation of fiber diameter are determined by sectioning the fibers in a specimen to a designated short length, mounting the sections on a slide, projecting the magnified image onto a scale, and measuring the diameter of a specified minimum number of the fibers, randomly selected, as specified in this section.

(3) *Apparatus and material.* The following apparatus and material are needed and shall comply with the following provisions:

(i) *Microprojector.* The microscope shall be equipped with a fixed body tube a focusable stage responsive to coarse and fine adjustments, and a focusable substage with condenser and iris diaphragm. It shall be vertically installed with adequate light source, eyepiece, and objective to give a precise magnification of 500X as determined by use of a stage micrometer. A magnification of 500X can be obtained when the microscope is adjusted at a proper projection distance and equipped with a searchlight microprojector bulb, a 10 to 15X eyepiece, and a 20 to 21X objective of good quality with an aperture of approximately 0.50 centimeter.

(ii) *Stage micrometer.* Calibrated glass slide used for accurate setting and control of the magnification.

(iii) *Cross sectioning device, heavy duty.* An instrument approximately 2 inches in height, consisting essentially of a metal plate with slot for holding a quantity of fibers, a key for compressing the fibers, and a tongue-propelling arrangement by which the fiber bundle may be extruded for sectioning.

(iv) *Microscope slides.* 1″ × 3″ (25 × 75 mm).

(v) *Cover glasses.* No. 1 thickness, ⅞″ × 2″ (22 × 50 mm).

(vi) *Mounting medium.* Colorless mineral oil with a refractive index between 1.53 and 1.43, and of suitable viscosity.

(vii) *Wedge scales.* Strips of heavy paper or Bristol board, imprinted with a wedge for measurement of fiber diameter at a magnification of 500X. The wedge is usually divided into 2.5 micron intervals (cells).

(4) *Calibration.* The microscope shall be adjusted to give a magnification of 500X in the plane of the projected image. This may be accomplished by placing a stage micrometer on the stage of the microprojector and bringing the microscope into such adjustment that an interval of 0.20 mm on the stage micrometer will measure 100 mm when sharply focused in the center of the image plane.

(5) *Sampling.* The method of obtaining a sample representative of the fineness of a lot of grease wool, pulled wool, scoured wool, or card sliver will differ according to circumstances. Lots may be sampled either by coring or by hand. The sampling procedures, advisable are as follows:

(i) *Core sampling.* Core sampling of packaged scoured, pulled, or grease wool is advisable whenever feasible. Acceptable procedures and schedules for core sampling raw wool are described in current ASTM Standards on Textile Materials, Designation: D1060, "Standard Method of Core Sampling of Raw Wool Packages for Determination of Percentage of Clean Wool Fiber Present."[1] If a representative portion of the scoured wool core sample resulting from the test for clean wool fiber content is available it may be used for average and standard deviation of fiber diameter determinations if the procedures described in ASTM Designation: D584, "Standard Methods of Tests for Wool Content of Raw Wool,"[1] are followed.

(ii) *Hand sampling an individual fleece.* A sample shall consist of approximately 30 grams of wool. For fleeces having a major sort, the sample shall be drawn at random from this part of the fleece. For fleeces not having a major sort, the sample shall be drawn at random from all parts of the fleece.

(iii) *Hand sampling lots of fleece.* A sample shall consist of at least 3 pounds of wool. If the fleeces are packaged, the sample shall be drawn from at least 50 randomly selected fleeces from not less than 10 percent of randomly selected packages in the lot. If the fleeces are in piles, the sample shall be drawn from at least 50 fleeces selected from random locations throughout the pile. If there are less than 50 fleeces in the lot, all fleeces shall be sampled. Each fleece shall be sampled in accordance with the provisions in paragraph (a)(5) of this section.

(iv) *Hand sampling lots of scoured, pulled, and grease wool not in fleece form.* A sample shall consist of at least 3 pounds of wool. If the wool is packaged, the sample shall be drawn by taking a total of at least 50 handfuls of wool from not less than 10 percent of randomly selected packages in the lot. If the wool is in piles, the sample shall be drawn by taking from random locations throughout the pile at least 50 handfuls of wool.

(v) *Hand sampling card sliver.* Wool card sliver shall be sampled by drawing at random from the lot, preferably during the carding operation, ten 24-inch lengths of sliver.

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[1] Copies of D1060 and D584 may be purchased from the American Society for Testing and Materials, 1916 Race Street, Philadelphia Pa., 19103

(6) *Test specimens of grease wool, pulled wool, scoured wool, and card sliver.* The method of obtaining a test specimen representative of a sample drawn in accordance with the procedures of paragraph (a)(5) of this section will differ according to circumstances. The methods advisable are as follows:

(i) *Obtaining test specimen from core test residue.* The test specimen shall be obtained from one or more aliquot portions of the scoured wool remaining after core testing of a lot for clean fiber content by using the following procedure: The sample shall be divided into 40 portions of approximately equal size. From each portion, a sufficient quantity of fibers shall be drawn at random to provide an aggregate test specimen of 20 grams. These fibers shall be mixed or blended to form the test specimen. For best blending results, test specimens from samples obtained by means of 1¼-inch and larger coring tubes should be machine blended. However, samples drawn with smaller tubes should not be machine blended since loss of fiber may occur. The machine blending of test specimens may be accomplished by carding the specimen 3 times, breaking the web and feeding at right angles after the first and second passes; or by gilling the specimens 15 times, breaking and combining the pieces of sliver to maintain a convenient length.

(ii) *Obtaining test specimens from other samples (except card sliver).* Test specimens may be obtained by hand sampling or core sampling as described herein:

(*a*) *Hand sampling.* Samples shall be divided into 40 portions of approximately equal size. From each portion, a sufficient quantity of fiber to provide a test specimen of 20 grams shall be drawn at random. Test specimens of grease wool and pulled wool shall be scoured or otherwise cleaned. Clean specimens, except those from samples of wool with fibers less than 1¼ inches in length, shall be further homogenized, preferably by machine blending, following the procedures described in paragraph (a)(6) of this section.

(*b*) *Core sampling.* The sample sha
be compressed in a suitable containe
By means of a ⅜-inch or a ½-inc
coring tube with sharp tip, a sufficie
number of cores shall be extracted
provide a test specimen of 20 grams
scoured wool. Test specimens of greas
wool or pulled wool shall be scoured
otherwise cleaned.

NOTE: An example of a suitable contain
would be a box 12 inches by 10 inches by
inches deep, equipped with a floating t
which has 16 randomly spaced holes thre
fourth inch in diameter over its area. T
wool may be firmly compressed by applyi
pressure on the top. The top is held in pla
by two rods extending through holes in t
side of the box and over the top. The cori
tube is thrust through the holes in the t
to sample the wool.

(iii) *Obtaining test specimens fro
card sliver samples.* Portions shall
stripped from each of the ten 24-inc
pieces of sliver obtained in accordan
with paragraph (a)(5)(v) of this se
tion. These pieces shall be combine
to form a composite sliver about 2 fe
in length. This will constitute the te
specimen.

(7) *Test condition.* Precondition
test specimens to approximate equili
rium in an atmosphere of 5 to 25 pe
cent relative humidity at a temper
ture less than 122° F. (50° C.). Th
condition them for at least 4 hours
the standard atmosphere for testi
65 percent relative humidity ±2 pe
cent at 70° F. ±2° F. (21° ±1.1° C.)
temperature.

(8) *Preparation of slides*—(i) *Filli
cross section device.* For specimen
sliver form, the specimen shall
placed in the slot of the cross secti
device, far enough from either end
the sliver to assure sectioning at
undisturbed area. It shall be compa
ed firmly with the compression ke
and the latter secured with the
screw. For specimen not in sliver for
from the bulk of the test specime
small quantities of fibers shall
drawn at random, packing the slot
the required level. The specimen sh
be compacted firmly with the co
pression key, and the latter secur
with the set screw.

(ii) *Preliminary section.* The gripp
fibers shall be cut off at the upper a
lower surfaces of the plate. The fib

bundle shall be extruded to the extent of approximately 0.50 mm in order to take up slack in the fibers and the propulsion mechanism. The projecting fibers shall be moistened with a few drops of mineral oil. This projecting fiber bundle shall be cut off with a razor blade flush with the upper surface of the fiber holder plate, and the section discarded.

(iii) *Final section.* The fiber bundle shall again be extruded, approximately 0.25 mm. The fiber bundle shall be moistened with a few drops of mineral oil, blotting off the excess. The projecting fibers shall be cut off with a sharp razor blade flush with the holder plate. The fiber pieces should adhere to the razor blade.

(iv) *Mounting the fibers.* A few drops of mineral oil shall be placed on a clean glass slide. With a dissecting needle, the fiber pieces shall be scraped from the razor blade onto the slide. The fibers shall be thoroughly dispersed in the oil with the dissecting needle and the slide completed with a cover glass. Sufficient oil should be used in the preparation of the slide to insure thorough distribution of the fibers, but an excess must be avoided, as practically no oil should be permitted to flow out or be squeezed out beyond the borders of the cover glass. If the number of fibers is too great to permit proper distribution on the slide, or if an excess of oil has been used, a portion of the mixture, after thorough dispersion of the fibers, may be wiped away with a piece of tissue or cloth.

(v) *Finished slide.* The slide shall be placed on the stage of the microprojector, cover glass toward the objective. The measurement courses shall be planned across the slide so that the far, near, and intermediate areas will be reached. Slides shall be measured the day they are prepared.

(9) *Measurement of fibers.* Starting at the upper left corner on the slide, the midlength portion of the fiber to be measured shall be brought into sharp focus on the wedge scale. Fiber edges appear as fine lines without borders when they are uniformly in focus. It is unusual, however, for both edges of the fiber to be in focus at the same time. If both edges of the fiber are not uniformly in focus, adjustment shall be made so that one edge of the fiber is in focus and the other shows as a bright line. To record the measurement, it is necessary to mark the point where the wedge corresponds with the fiber image as determined by (i) the fine lines of both edges when they are uniformly in focus, or (ii) the fine line of one edge and the inner side of the bright line at the other edge when they are not uniformly in focus. The slide shall be traversed and successive fibers measured in the planned courses, measuring only those fibers whose midpoints come within the field—a circle 4 inches in diameter, centrally located in the projected area. Fibers shorter than 150 microns in length, and those having distorted images shall be excluded from measurement. The marks on the wedge indicating the diameter of fibers measured are counted and combined into cells for calculation as indicated in § 31.204(a)(12).

(10) *Nature of test.* A test shall comprise the measurement of the test specimen by two operators, each operator following independently the procedures of paragraph (a)(8) of this section.

(11) *Number of fibers.* The minimum number of fibers required for each test shall be the number for the respective grade as prescribed in the procedure for designating grade (paragraph (b) of this section), each operator measuring approximately one-half the required number of fibers. The prescribed minimum number of fibers per test should result in confidence limits of the mean ranging from approximately ±0.4 to ±0.5 micron at a probability level of 95 percent, when wools of average uniformity in fiber fineness are measured.

(12) *Calculation and report.* The measurements of both operators shall be combined and the following calculations made by using the applicable formulae shown below:

(i) Total number of measurements (n)

(ii) The average diameter of fiber (X); $X=A+mE$

(iii) The standard deviation (γ); $\gamma=m\sqrt{E_2-E_1{}^2}$

In the formula stated above:

A=Midpoint of cell containing the smallest measurement
m=Cell interval

$$E_1=(\Sigma fx/n)$$
$$E_2=(\Sigma fx^2/n)$$

Σ=Summation

f=Observed frequency
x=Deviation in cells from A

An example of the calculations is set for below:

EXAMPLE OF CALCULATIONS: AVERAGE FIBER DIAMETER AND STANDARD DEVIATION

Cell No.	Cell boundary	A	Deviation in cells from A, x	Observed frequency f	fx
5	10.0–12.5	11.25	0	1	0
6	12.5–15.0		1	12	12
7	15.0–17.5		2	53	106
8	17.5–20.0		3	113	339
9	20.0–22.5		4	132	528
10	22.5–25.0		5	141	705
11	25.0–27.5		6	111	666
12	27.5–30.0		7	79	553
13	30.0–32.5		8	63	504
14	32.5–35.0		9	44	396
15	35.0–37.5		10	28	280
16	37.5–40.0		11	7	77
17	40.0–42.5		12	6	72
18	42.5–45.0		13	5	65
19	45.0–47.5		14	3	42
20	47.5–50.0		15	0	0
21	50.0–52.5		16	2	32
Total				800	4,377

Number of measurements (n)=800

A (midpoint of cell containing smallest diameter measurement) =11.25 microns

m (cell interval)=2.5 microns

$E_1=(\Sigma fx/n)=(4377/800)=5.4712$ and

$E_2=(\Sigma fx^2/n)=(28{,}797/800)=35.9962$

Average diameter,

$X=A+mE_1=11.25+2.5\ (5.4712)=24.93$ microns*

Standard deviation, $\sigma=m\sqrt{E_2-E_1{}^2}=2.5\sqrt{35.9962-29.9340}=2.5(2.4622)=6.16$ microns*

*Round off the calculated values of average fiber diameter and of standard deviation to two decimal places as follows: If the figure in the third decimal place is 4 or less, retain the figure in the second decimal place unchanged; otherwise, increase the figure in the second decimal place by 1.

(b) *Procedure for designating grade.* For grade determination by measurement, the minimum number of fibers to be measured per test based on the average fiber diameter limits of the various grades is set forth below.

MEASUREMENT SCHEDULE FOR DESIGNATI GRADES OF WOOL

Grade	Minimum number of fiber diameter measurements	Limits for average fiber diameter (microns)
Finer than 80's	400	Under 17.70
80's	400	17.70 to 19.14
70's	400	19.15 to 20.59
64's	600	20.60 to 22.04
62's	800	22.05 to 23.49
60's	800	23.50 to 24.94
58's	1,000	24.95 to 26.39
56's	1,200	26.40 to 27.84
54's	1,400	27.85 to 29.29
50's	1,600	29.30 to 30.99
48's	1,800	31.00 to 32.69
46's	2,000	32.70 to 34.39
44's	2,200	34.40 to 36.19
40's	2,400	36.20 to 38.09
36's	2,600	38.10 to 40.20
Coarser than 36's.	2,600	Over 40.20

(1) *Grade designation.* That grade shall be assigned to a sample of wool which corresponds, in the measurement schedule for designating grades of wool, to the measured average and standard deviation of fiber diameter, provided this is determined in accordance with the procedure set forth in paragraph (a) of this section. Example: Measured average fiber diameter equals 27.25 microns; number of fiber diameter measurements equal 1200; standard deviation equals 6.72 microns; grade designation equals 56's. If the measured standard deviation exceeds the maximum specified for the grade to which the measured average fiber diameter corresponds, assign to the wool the next coarser grade. Example: Measured average fiber diameter equals 27.25 microns; number of fiber diameter measurements equal 1200; standard deviation equals 7.80 microns; grade designation equals 54's. Example: Measured average fiber diameter equals 27.25 microns; number of fiber diameter measurements equals 1200; standard deviation equals 8.50 microns; grade designation equals 54's.

(2) *Interpretation.* Since all the wool in a lot may not be of the same grade, the grade determined by measurement represents only the average grade of the entire lot. It should not be construed to represent the grade of any component part of the lot selected on a nonrandom basis.

METHODS FOR DETERMINING GRADE OF WOOL TOP

SOURCE: Sections 31.300 to 31.302 appear at 33 FR 19074, Dec. 21, 1968, unless otherwise noted.

§ 31.300 General.

The official standards of the United States for grades of wool top as defined in §§ 31.100 through 31.116 shall be the basis for determining the grade of wool top. The provisions in §§ 31.301 through 31.302 prescribe two methods for making such determinations—by measurement and by inspection. Both methods for determining grade shall be official; however, if the grade as determined by inspection differs from that determined by measurement, the grade determined by measurement shall prevail.

§ 31.301 Measurement method.

The determination of the grade of wool top by measurement shall be by comparison of the measured average fiber diameter and fiber diameter dispersion with the specifications of the U.S. standards. This determination shall be made in accordance with the procedure for determining average fiber diameter and fiber diameter dispersion provided in paragraph (a) of this section and the procedure for designating grade provided in paragraph (b) of this section.

(a) *Procedure for determining average fiber diameter and fiber diameter dispersion*—(1) *Principle of procedure.* The average fiber diameter and fiber diameter dispersion are determined by sectioning the fibers in a sample to a designated short length, mounting the sections of fibers on a slide, projecting the magnified image onto a scale, and measuring the diameter of a minimum number of fibers, as specified in this section.

(2) *Apparatus and material.* The following apparatus and material are needed and shall comply with the following provisions:

(i) *Microprojector.* The microscope shall be equipped with a fixed body tube, a focusable stage responsive to a coarse and fine adjustment, and a focusable substage with condenser and iris diaphragm. It shall be vertically installed with adequate light source, eyepiece, and objective to give a precise magnification of 500 × as determined by use of a stage micrometer. A magnification of 500 × can be obtained when the microscope is adjusted at a proper projection distance and equipped with a searchlight microprojector bulb, a 10-15 × eyepiece, and a 20-21 × objective of good quality with an aperture of approximately 0.50 centimeter.

(ii) *Stage micrometer.* Calibrated glass slide used for accurate setting and control of the magnification.

(iii) *Cross-sectioning device, heavy duty.* An instrument approximately 5 cm. (2 inches) in height, consisting essentially of a metal plate with slot for holding a quantity of fibers, a key for compressing the fibers, and a tongue-propelling arrangement by which the fiber bundle may be extruded for sectioning.

(iv) *Microscope slides.* 25 × 75 mm. 1" × 3").

(v) *Cover glasses.* No. 1 thickness, 22 × 50 mm. (⅞" × 2").

(vi) *Mounting medium.* Colorless mineral oil with a refractive index between 1.53 and 1.43 and of suitable viscosity.

(vii) *Wedge scales.* Strips of heavy paper or Bristol board imprinted with a wedge for use at a magnification of 500 × 0. The wedge is usually divided into 2.5 micron intervals.

(3) *Calibration.* The microscope shall be adjusted to give a magnification of 500 × in the plane of the projected image. This may be accomplished by placing a stage micrometer on the stage of the microprojector and bringing the microscope into such adjustment that an interval of 0.20 mm. on the stage micrometer will measure 100 mm. when sharply focused in the center of the image plane.

(4) *Sampling.* Sample the lot of top by drawing from each 20,000 pounds (9,072 kilograms), or fraction thereof, four sections of sliver (test specimen) each of which shall be at least 1 yard (0.91 meter) in length and taken from different balls of top selected at random. Take one ball only from any one bale or carton. For broken top take an equivalent aggregate length of sliver at random. The four test specimens shall constitute a sample.

(5) *Test condition.* Precondition all samples to approximate equilibrium in an atmosphere of 5-25 percent relative humidity at a temperature less than 50° C. (122° F.). Then condition them for at least 4 hours in the standard atmosphere for testing—65±2 percent relative humidity at 21°±1.1° C. (70°±2° F.).

(6) *Preparation of slides*—(i) *Filling cross-section device.* Each sliver (test specimen) of top making up the sample shall be placed individually in the slot of the cross-section device far enough from either end of the sliver to assure sectioning at an undisturbed area. The sliver shall be compacted firmly with the compression key and the latter secured with the set screw.

(ii) *Preliminary section.* The gripped fibers shall be cut off at the upper and
lower surfaces of the plate. The fib
bundle shall be extruded to the exte
of approximately 0.50 mm. in order
take up slack in the fibers and the pr
pulsion mechanism. The projecti
fibers shall be moistened with a fe
drops of mineral oil. This projecti
fiber bundle shall be cut off with
razor blade flush with the upper su
face of the fiber holder plate and t
section discarded.

(iii) *Final section.* The fiber bund
shall again be extruded, approximat
ly 0.25 mm., the equivalent of 250 m
crons. The fiber bundle shall be mois
ened with a few drops of mineral
and the excess blotted off. The pr
jecting fibers shall be cut off with
sharp razor blade flush with t
holder plate. The fiber pieces shou
adhere to the razor blade.

(iv) *Mounting the fibers.* A few dro
of mineral oil shall be placed on
clean glass slide. With a dissecti
needle the fiber pieces shall be scrap
from the razor blade onto the slid
The fibers shall be thoroughly d
persed in the oil with the dissecti
needle and the slide completed with
cover glass. Sufficient oil should
used in the preparation of the slide
insure thorough distribution of t
fibers, but an excess must be avoide
as practically no oil should be perm
ted to flow out or be squeezed o
beyond the borders of the cover glas
If the number of fibers is too great
permit proper distribution on t
slide, or if an excess of oil has bee
used, a portion of the mixture, aft
thorough dispersion of the fibers, m
be wiped away with a piece of tissue
cloth.

(v) *Finished slide.* The slide shall
placed on the stage of the micropr
jector, cover glass toward the obje
tive. The measurement courses sha
be planned across the slide so that t
far, near, and intermediate areas w
be reached. Slides shall be measur
the day they are prepared.

(7) *Measurement of fibers.* The mi
length portion of the fiber to be mea
ured shall be brought into sharp foc
on the wedge scale. Fiber edges appe
as fine lines without borders wh
they are uniformly in focus. It is u
usual, however, for both edges of t
fiber to be in focus at the same tim

If both edges of the fiber are not uniformly in focus, adjustment shall be made so that one edge of the fiber is in focus and the other shows as a bright line. The measurements of 100 fibers are recorded on one wedge by marking on the wedge scale the point where the wedge corresponds with the fiber image as determined by (i) the fine lines of both edges when they are uniformly in focus or (ii) the fine line of one edge and the inner side of the bright line at the other edge when they are not uniformly in focus. The slide shall be traversed and successive fibers measured in the planned courses, with only those fibers being measured whose midpoints come within the field—a circle 4 inches in diameter, centrally located in the projected area. Fibers shorter than 200 microns or longer than 300 microns and those having distorted images shall be excluded from measurement. The marks on the wedge indicating the diameter of fibers measured are counted and combined into class intervals for calculation as indicated in paragraph (a)(10) of this section. Occasionally a fiber diameter will be less or greater than the extreme limits of the wedge scale. When this occurs, the image of the fiber is projected onto the border of the wedge scale and lines are drawn on the scale at the edges of the fiber image. The distance between the lines is later measured with a metric ruler to obtain the correct average diameter of the fiber. In using the metric scale in this manner, 1 mm. is equal to 2 microns at a magnification of 500 ×.

(8) *Nature of test.* One test shall consist of the measurement by two operators of the same four slivers (test specimens) of top. The measurement of both operators shall be combined for calculation of average fiber diameter and fiber diameter dispersion.

(9) *Number of slides and fibers.* Each operator shall make a slide from each test specimen for a total of four slides per operator. The number of fibers to be measured per slide shall be determined by dividing the total number of fibers to be measured per test by 8 (the total number of slides prepared per test). The minimum number of fiber measurements required for each test shall be the number for the respective grade as prescribed in the measurement schedule for designating grades of wool top set forth in paragraph (c) of this section. Each operator shall measure approximately one-half the required number of fibers. In lots that are assigned a dual grade designation, the minimum number of fibers measured shall be that specified for the coarser of the two grades.

(10) *Calculations.* From the observations recorded on the wedge scales, compute the total number of measurements (n), the distribution of fiber diameter frequencies, and the average diameter of fiber (X).

(i) The average diameter of fiber (X) shall be determined by the following formula: $X=A+mE_1$. In this formula—

A=Class interval midpoint
m=Class interval
$E_1=\Sigma fx/n$, where
Σ=Summation
f=Observed frequency
x=Deviation in class intervals from A
n=Total number of measurements

An example of the calculations is set forth below, based on an arbitrary selection of a class interval midpoint of 6.25 microns:

EXAMPLE OF CALCULATIONS: AVERAGE FIBER DIAMETER AND FIBER DIAMETER DISPERSION

Class interval	*A*	Deviation in class intervals from *A* *x*	Observed frequency *f*	*fx*	Cumulative frequency	Cumulative percent
5.0 to 7.5	6.25	0	0	0	0	0
7.5 to 10.0		1	0	0	0	0
10.0 to 12.5		2	1	2	1	.12
12.5 to 15.0		3	12	36	13	1.62
15.0 to 17.5		4	53	212	66	8.25
17.5 to 20.0		5	113	565	179	22.38
20.0 to 22.5		6	132	792	311	38.88
22.5 to 25.0		7	141	987	452	56.50

EXAMPLE OF CALCULATIONS: AVERAGE FIBER DIAMETER AND FIBER DIAMETER DISPERSION—Continued

Class interval	A	Deviation in class intervals from A x	Observed frequency f	fx	Cumulative frequency	Cumulative percent
25.0 to 27.5		8	111	888	563	70.38
27.5 to 30.0		9	79	711	642	80.25
30.0 to 32.5		10	63	630	705	88.13
32.5 to 35.0		11	44	484	749	93.63
35.0 to 37.5		12	28	336	777	97.10
37.5 to 40.0		13	7	91	784	98.05
40.0 to 42.5		14	6	84	790	98.78
42.5 to 45.0		15	5	75	795	99.35
45.0 to 47.5		16	3	48	798	99.75
47.5 to 50.0		17	0	0	798	99.70
50.0 to 52.5		18	2	36	800	100.70
Total			800	5,977		

Number of measurements (n) = 800
A (class interval midpoint) = 6.25 microns
m (class interval) = 2.5 microns

$$(E_1 = (\Sigma fx/n) = (5977/800) = 7.47$$

Average diameter, $X = A + mE_1 = 6.25 + 2.5(7.47) = 24.93$ microns [1]

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[1] Round off the calculated values of average fiber diameter to two decimal places as follows: If the figure in the third decimal place is 4 or less, retain the figure in the second decimal place unchanged; otherwise, increase the figure in the second decimal place by 1.

(b) *Procedure for designating grade.* A grade shall be assigned to a lot of wool top which corresponds to the average fiber diameter and fiber diameter dispersion requirements specified in §§ 31.100 through 31.116 and paragraph (c) of this section.

(1) *Single grade designation.* If the measured average diameter and fiber diameter dispersion correspond to a single grade, that shall be the grade assigned to the sample.

Example: Average fiber diameter—28.10 microns.

Fiber diameter dispersion:
30 microns and under—64 percent.
30.1 microns and over—36 percent.
50.1 microns and over—1 percent.
Grade designation—56s.

(2) *Dual grade designation.* If the fiber diameter dispersion does not meet the requirements for the grade to which the average fiber diameter corresponds, the wool top shall be assigned a dual grade designation, the second designation being one grade coarser than the grade to which the average fiber diameter corresponds.

Example: Average fiber diameter—28.10 microns.

Fiber diameter dispersion:
30 microns and under—61 percent.
30.1 microns and over—39 percent.
50.1 microns and over—2 percent.
Grade designation—56s-54s.

(c) *Measurement schedule for designating grades of wool top.*

Grade	Finer than 80s	80s	70s	64s	62s	60s	58s	56s	54s	50s	48s	46s	44s	40s	36s	Coarser than 36s
Average fiber diameter range, microns:																
Minimum		18.10	19.60	21.10	22.60	24.10	25.60	27.10	28.60	30.10	31.80	33.50	35.20	37.10	39.00	41.30
Maximum	18.09	19.59	21.09	22.59	24.09	25.59	27.09	28.59	30.09	31.79	33.49	35.19	37.09	38.99	41.29	
Fiber diameter dispersion, percent:[1]																
25 microns and under, minimum	95	91	83													
30 microns and under, minimum				92	86	80										
40 microns and under, minimum							72	62	54	44	75	68	62	54	44	
25.1 microns and over, maximum	5	9	17													
30.1 microns and over, maximum	1	1	3	8	14	20										
40.1 microns and over, maximum				1	1.5	2	28	38	46	56						
50.1 microns and over, maximum							1	1	2	2	25	32	38	46	56	
60.1 microns and over, maximum											1	1	2	3	4	
Number of fibers required per test[2]	400	400	400	600	800	800	1,000	1,200	1,400	1,600	1,800	2,000	2,200	2,400	2,600	2,600

[1] The second maximum percent shown for any grade is a part of, and not in addition to, the first maximum percent. In each grade, the minimum percent and the first maximum percent total 100 percent.

[2] Research has shown that when wools of average uniformity in fiber diameter are measured, the prescribed number of fibers to measure per test will result in confidence limits of the mean ranging from approximately ±0.4 to ±0.5 micron at a probability of 95 percent.

§ 31.302 Inspection method.

The grade of wool top also may be determined by inspection. This usually will be facilitated by comparing the fibers in the sample of wool top to be graded with fibers in the wool top samples certified by the U.S. Department of Agriculture as representative of the official grades. When using the certified samples to determine the grade of wool top, the grade assigned shall be that of the certified sample which most nearly matches the wool top being graded.

SAMPLES REPRESENTATIVE OF OFFICIAL GRADE STANDARDS OF THE UNITED STATES FOR WOOL AND WOOL TOP

SOURCE: Sections 31.400 to 31.402 appear at 30 FR 10833, Aug. 20, 1965, unless otherwise noted.

§ 31.400 Standard samples for wool and wool top grades; method of obtaining.

Samples certified as representative of the official standards of the United States for grades of wool and wool top will be furnished as follows, subject to other conditions of this section, upon filing of an approved application and prepayment of costs thereof as fixed in §§ 31.401 and 31.402. The certification will be issued by the United States Department of Agriculture and will be signed by the Director of the Livestock Division or other official duly authorized by him.

(a) Samples representative of each of the standard grades of wool:

(1) Complete set: Grades 80's through 36's. Fourteen samples, each of approximately ⅛ pound grease wool, or

(2) Individual sample: Individual samples of approximately ⅛ pound of grease wool.

NOTE: A sample consists of wool randomly selected from a bulk sample. The measured average and standard deviation of fiber diameter of the bulk sample are within the limits corresponding to the grade of the standard sample as set forth in §§ 31.2 through 31.15.

(b) Samples representative of each of the standard grades of wool top:

(1) Complete set: Grades 80's through 36's. Fourteen samples, each of approximately 3 ounces wool top, or

(2) Individual sample: Individual samples of approximately 3 ounces of wool top, representing a standard grade.

(c) Each application for standard samples of wool or wool top shall be upon an application form furnished or approved by the Agricultural Marketing Service, shall be signed by the applicant, and shall be accompanied by certified check, draft, post office money order, or express money order, payable to the "Agricultural Marketing Service," in an amount to cover the cost of the samples requested, and shall incorporate the following agreement:

(1) That no samples representative of the official wool or wool top standards shall be considered or used as representing such standards after cancellation in accordance with this section.

(2) That the said standard samples shall be subject to inspection by the Secretary or by any duly authorized officer or agent of the Department of Agriculture during usual business hours of the person having custody of the samples.

(3) That the certificate covering any of the samples representative of the standards may be revoked and canceled by the Director of the Livestock Division if it is found upon such inspection that the said samples are not representative of the official standards.

§ 31.401 Cost of standard samples for wool grades.

(a) Complete set: $22 each, delivered to any destination within the United States and $24 each, delivered to any destination outside the United States.

(b) Individual sample: $2 each, delivered to any destination within the United States and $2.50 each, delivered to any destination outside the United States.

§ 31.402 Cost of standard samples for wool top grades.

(a) Complete set: $42 each, delivered to any destination within the United States and $44 each, delivered to any destination outside the United States.

(b) Individual sample: $3 each, delivered to any destination within the

United States and $3.50 each, delivered to any destination outside the United States.

PART 32—MOHAIR STANDARDS

Official Standards of the United States for Grades of Grease Mohair

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32.1 Official grease mohair grades.

Official Standards of the United States for Grades of Mohair Top

32.100 Official mohair top grades.

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amples Representative of Official Grade Standards of the United States for Grease Mohair

2.400 Standard samples of grease mohair grades; method of obtaining.
2.401 Cost of standard samples for grease mohair grades.
2.402 Standard samples of mohair top grades: method of obtaining.
2.403 Cost of standard samples for mohair top grades.

Authority: 60 Stat. 1087 (7 U.S.C. 1621 *et* q.).

Source: 36 FR 12682, July 3, 1971, unless herwise noted.

fficial Standards of the United States for Grades of Grease Mohair

2.1 Official grease mohair grades.

The official grades for grease ohair and the specifications for each all be those set forth in Table 1. However, mohair which qualifies for any of the grades on the basis of its average fiber diameter but whose standard deviation of average fiber diameter exceeds the maximum permitted for that grade shall be assigned a dual grade designation. In such case, the first designation shall indicate the grade based on the average fiber diameter and the second designation shall be that of the next coarser grade.

Table 1. Specifications for the Official Grades of Grease Mohair

Grade	Fiber diameter		Approximate number of fiber measurements[1]
	Limits for average (microns)	Maximum standard deviation (microns)	
Finer than 40s	Under 23.01	7.2	1,000
40s	23.01 to 25.00	7.6	1,000
36s	25.01 to 27.00	8.0	1,200
32s	27.01 to 29.00	8.4	1,200
30s	29.01 to 31.00	8.8	1,400
28s	31.01 to 33.00	9.2	1,400
26s	33.01 to 35.00	9.6	1,600
24s	35.01 to 37.00	10.0	1,600
22s	37.01 to 39.00	10.5	1,800
20s	39.01 to 41.00	11.0	2,200
18s	41.01 to 43.00	11.5	2,200
Coarser than 18s.	43.01 and over	....	2,600

[1] The number of fibers to measure for each test shall be the number needed to attain confidence limits of the mean within ± 10.40 micron at a probability of 95 percent. Measurement of the approximate number of fibers for the grades listed above may serve as a guide to meet the required confidence limits. The numbers indicated are based on mohair matchings.

Official Standards of the United States for Grades of Mohair Top

§ 32.100 Official mohair top grades.

The official grades for mohair top and the specifications for each shall be those set forth in table 1. However, mohair top which qualifies for a grade on the basis of its average fiber diameter but does not meet the fiber diameterdispersion requirement for that same grade shall be assigned a dual grade designation. In such cases, the first designation shall indicate the grade based on average fiber diameter and the second designation shall be that of the next coarser grade.

TABLE 1.—SPECIFICATIONS FOR THE OFFICIAL GRADES OF MOHAIR TOP

Grade	Limits for average diameter (microns)	Fiber diameter dispersion: percent [1]							
		30 microns and under, minimum	40 microns and under, minimum	50 microns and under, minimum	30.1 microns and over, maximum	40.1 microns and over, maximum	50.1 microns and over, maximum	60.1 microns and over, maximum	Approximate number of fiber measurements [2]
Finer than 40's	Under 23.55	80			20	1			1,000
40's	23.55 to 25.54	74			26	4			1,000
36's	25.55 to 27.54	67			33	6			1,200
32's	27.55 to 29.54	57			43	8			1,200
30's	29.55 to 31.54	47			53	13			1,400
28's	31.55 to 33.54		80			20	3		1,400
26's	33.55 to 35.54		73			27	5		1,600
24's	35.55 to 37.54		64			36	8		1,600
22's	37.55 to 39.54		56			44	13		1,800
20's	39.55 to 41.54			82			18	6	2,200
18's	41.55 to 43.54			77			23	8	2,200
Coarser than 18's	Over 43.54								2,600

[1] The 2d maximum percent shown for any grade is a part of, and not in addition to, the 1st maximum percent. In each grade, the minimum percent and the 1st maximum percent total 100 percent.

[2] The number of fibers to measure for each test shall be the number needed to attain confidence limits of the mean within ±0.40 micron at a probability of 95 percent. The approximate number of fibers for the grades listed above may serve as a guide to the number of measurements needed to meet the required confidence limits.

[38 FR 964, Jan. 8, 1973]

DEFINITIONS

§ 32.200 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

[38 FR 965, Jan. 8, 1973]

§ 32.201 Terms defined.

For the purpose of this part, unless the context otherwise requires, the following terms shall be construed to mean:

(a) *Average fiber diameter.* The sum of the individual diameter measurements divided by the number of fibers measured, as described in § 32.302.

(b) *Fineness.* Average fiber diameter.

(c) *Grade.* A numerical designation used in classifying mohair top, based on average fiber diameter and dispersion of fiber diameters.

(d) *Lot.* The entire quantity of mohair top constituting the subject of consideration. As used herein, "lot" refers to a test lot not exceeding 20,000 pounds (9,072 kilograms).

(e) *Micron.* A unit of linear measurement equal to 1/1000 millimeter or 1/25400 inch.

(f) *Mohair.* Fiber from the Angora goat.

(g) *Mohair top.* A continuous, untwisted strand of scoured mohair fibers from which the shorter fibers, i.e., noil, have been removed by combing.

(h) *Sample.* Four slivers (test specimens) of mohair top obtained as described in § 32.302(a)(4).

(i) *Standards.* The official standards of the United States for grades of mohair top.

(j) *Standard samples.* Physical samples representative of the standards.

(k) *Test.* A determination by measurement of the average fiber diameter and the fiber diameter dispersion of a sample of mohair top, conducted in accordance with procedures provided in § 32.302.

(l) *Test specimen.* A sliver of mohair top at least 1 yard (0.91 meter) long, obtained as described in § 32.302(a)(4).

[38 FR 965, Jan. 8, 1973]

METHODS FOR DETERMINING GRADE OF GREASE MOHAIR

§ 32.202 General.

The official standards of the United States for grades of grease mohair as defined in § 32.1 shall be the basis for grade determination. Grade may be determined by (a) inspection or (b) by measuring the number of fibers of a sample needed to attain the required precision of the average, calculating the average fiber diameter, and standard deviation in fiber diameter, and comparing the average fiber diameter and standard deviation with the specifications for grades of grease mohair. Both methods for determining grade shall be official; however, if the grade as determined by inspection differs from that determined by measurement, the grade determined by measurement shall prevail. Although these standards are developed specifically for grease mohair and based primarily on tests of grease mohair matchings, they are applicable also to mohair in the pulled or scoured state, or to mohair in the form of card sliver.

§ 32.203 Inspection method.

Determination of the grade of grease mohair by inspection will be facilitated by comparing the fineness and variability in fineness of fibers of a sample of mohair representative of the lot or fleece with the fibers of valid standard grease mohair samples representative of the official grades. The grade assigned the lot or fleece shall be that of he standard mohair sample which most nearly matches the mohair being graded.

32.204 Measurement method.

(a) The determination of the grade
f grease mohair by measurement
hall be by comparison of the meas-
red average fiber diameter and stand-
rd deviation of the fiber diameter
ith the specifications of the Official
tandards of the United States for
rades of Grease Mohair in § 32.1.
his determination shall be made in
ccordance with the procedure for de-
rmining the average fiber diameter
nd the standard deviation of fiber di-
meter set forth in paragraph (b) of
is section and the procedure for des-
nating grade set forth in paragraph
) of this section.

(b) Procedure for determining aver-
e fiber diameter and standard devi-
ion of fiber diameter:

(1) *Principle of procedure.* The average fiber diameter and standard deviation of fiber diameter are determined by sectioning the fibers in a test specimen to a designated short length, mounting the sections on a slide, projecting the magnified image onto a wedge scale, and measuring the diameter of the required number of the fibers, as specified in this section.

(2) *Apparatus and material.* The following apparatus and material are needed and these shall comply with the following provisions:

(i) *Microprojector.* The microscope shall be equipped with a fixed body tube, a focusable stage responsive to coarse and fine adjustments, and a focusable substage with condenser and iris diaphragm and a vertically installed adequate light source to give a precise magnification of 500X when equipped with a 10 to 15X eyepiece, and a 20 to 21X objective with an aperture of approximately 0.50 centimeter.

(ii) *Stage micrometer.* Calibrated glass slide used for accurate setting and control of the magnification.

(iii) *Cross sectioning device, heavy duty.* An instrument approximately 2 inches in height, consisting essentially of a metal plate with slot for holding a quantity of fibers, a key for compressing the fibers, and a tongue-propelling arrangement by which the fiber bundle may be extruded for sectioning.

(iv) *Microscope slides.* 1" × 3" (25 × 75 mm.).

(v) *Cover glasses.* No. 1 thickness, ⅞" × 2" (22 × 50 mm.).

(vi) *Mounting medium.* Colorless mineral oil with a refractive index between 1.53 and 1.43, and of suitable viscosity.

(vii) *Wedge scales.* Strips of heavy paper or Bristol board, imprinted with a wedge for measurement of fiber diameter at a magnification of 500X. The wedge is usually divided into 2.5-micron intervals (cells).

(3) *Calibration.* The microscope shall be adjusted to give a magnification of 500X in the plane of the projected image. This shall be accomplished by placing a stage micrometer on the stage of the microprojector and bringing the microscope into such ad-

justment that an interval of 0.20 mm. on the stage micrometer will measure 100.0 mm. when sharply focused in the center of the image plane.

(4) *Sampling.* The method of obtaining a sample representative of the fineness of a lot of grease mohair, pulled mohair, scoured mohair, or card sliver will differ according to the manner in which it is stored and the equipment available for sampling. Lots may be sampled either by coring or by hand. The sampling procedures are as follows:

(i) *Core sampling.* Core sampling of packaged scoured, pulled, or grease mohair is advisable. Acceptable procedures and schedules for core sampling grease mohair are those described for raw wool in current ASTM Standards on Textile Materials, Designation D 1060, "Standard Method of Core Sampling of Raw Wool Packages for Determination of Percentage of Clean Wool Fiber Present."[1] If a representative portion of the scoured mohair core sample resulting from the test for clean mohair fiber content is available, it may be used for fiber diameter measurements.

(ii) *Hand sampling an individual fleece.* A sample shall consist of approximately 60 grams of mohair and shall be drawn at random from all parts of a fleece.

(iii) *Hand sampling lots of scoured, pulled, and grease mohair.* A sample shall consist of at least 6 pounds of mohair. If the mohair is packaged, the sample shall be drawn by taking a total of at least 50 randomly selected handfulls of mohair from not less than 10 percent of the packages randomly selected from the lot. If the mohair is in piles, the sample shall be drawn by taking a handful from at least 50 locations throughout the pile.

(iv) *Hand sampling card sliver.* Mohair card sliver shall be sampled by drawing at random from the lot, preferably during the carding operation, ten 24-inch lengths of sliver.

(5) *Test specimens.* The method of obtaining a test specimen representative of a sample drawn in accordance with the procedures of paragraph (b)(4) of this section will differ according to the type of sample and the equipment available for subsampling. The methods are as follows:

(i) *Obtaining test specimen from clean fiber core test residue.* The test specimen shall be obtained from the scoured mohair remaining after testing for clean fiber content by using the following procedure: The sample shall be divided into 40 portions of approximately equal size. From each portion, a sufficient quantity of fibers shall be drawn at random to provide an aggregate test specimen of at least 40 grams. These fibers shall be mixed or blended to form the test specimen. For best blending results, test specimens from samples obtained by means of 1¼-inch and larger coring tubes should be machine blended. The machine blending of test specimens may be accomplished by carding the specimen three times, breaking the web and feeding at right angles after the first and second passes; or by gilling the specimens 15 times, breaking and combining the pieces of sliver to maintain a convenient length. Core samples drawn with smaller coring tubes should not be machine blended since loss of fiber may occur.

(ii) *Obtaining test specimens from other samples (except card sliver).* Test specimens may be obtained by hand sampling or core sampling as described herein:

(*a*) *Hand sampling.* Samples shall be divided into 40 portions of approximately equal size. From each portion, a sufficient quantity of fiber to provide a test specimen of at least 40 grams shall be drawn at random. Test specimens of grease mohair and pulled mohair shall be scoured or otherwise cleaned. Clean specimens, except those from samples of mohair with fibers less than 1¼ inches in length, shall be further blended, preferably by machine, following the procedures described in paragraph (a)(5)(i) of this section.

(*b*) *Core sampling.* The sample shall be compressed in a suitable container. By means of a ½-inch coring tube with sharp tip, a sufficient number of cores shall be extracted at random to provide a test specimen of at least 40 grams of scoured mohair. Test specimens of grease mohair or pulled mohair shall be scoured or otherwise cleaned.

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[1] A publication containing these ASTM Standards is published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, for $22.

NOTE: An example of a suitable container would be a box 12 inches by 10 inches by 6 inches deep, equipped with a floating top which has 16 equally spaced holes three-fourth inch in diameter over its area. The mohair may be firmly compressed by applying pressure on the top. The top is held in place by two rods extending through holes in the side of the box and over the top. The coring tube is thrust through the holes in the top to sample the mohair.

(iii) *Obtaining test specimens from card sliver samples.* Portions—approximately one-tenth the width of a sliver—shall be stripped from each of the ten 24-inch pieces of sliver obtained in accordance with paragraph (b)(4)(iv) of this section. These pieces shall be combined to form a composite sliver. This will constitute the test specimen.

(6) *Test condition.* Test specimens shall be preconditioned to approximate equilibrium in an atmosphere of 5 to 25 percent relative humidity at a temperature less than 122° F. (50° C.). Then the test specimens shall be conditioned for at least 4 hours in the standard atmosphere for testing, namely, 63 to 67 percent relative humidity at a temperature of 68° to 72° F. (19.0° to 22.1° C.).

(7) *Preparation of slides*—(i) *Filling-cross section device.* A specimen in sliver form shall be placed in the slot of the cross section device at a section of the sliver estimated to be a full fiber length or more from the end of the sliver. The sliver shall be firmly compacted with the compression key which shall then be secured with the set screw. For specimens not in sliver form, from the bulk of the test specimen, small quantities of fibers shall be drawn at random, packing the slot to the required level. The specimen shall be compacted firmly with the compression key which shall then be secured with the set screw.

(ii) *Preliminary section.* The gripped fibers shall be cut off at the upper and lower surfaces of the plate. The fiber bundle shall be extruded to the extent of approximately 0.50 mm. in order to take up slack in the fibers and the propulsion mechanism. The projecting fibers shall be moistened with a few drops of mineral oil. This projecting fiber bundle shall be cut off with a sharp razor blade flush with the upper surface of the fiber holder plate. This section shall be discarded.

(iii) *Final section.* The fiber bundle shall again be extruded, approximately 0.25 mm. The fiber bundle shall be moistened with a few drops of mineral oil, blotting off the excess. The projecting fibers shall be cut off with a sharp razor blade flush with the holder plate. The fiber pieces should adhere to the razor blade.

(iv) *Mounting the fibers.* A few drops of mineral oil shall be placed on a clean glass slide. With a dissecting needle, the fiber pieces shall be scraped from the razor blade onto the slide. The fibers shall be thoroughly dispersed in the oil with the dissecting needle and the slide completed with a cover glass. Sufficient oil should be used in the preparation of the slide to insure thorough distribution of the fibers, but an excess must be avoided, as practically no oil should be permitted to flow out or be squeezed out beyond the borders of the cover glass. If the number of fibers is too great to permit proper distribution on the slide, or if an excess of oil has been used, a portion of the mixture, after thorough dispersion of the fibers, may be wiped away with a piece of tissue or cloth. Slides shall be measured the day they are prepared.

(8) *Measurement of fibers.* The slide shall be placed on the stage of the microprojector, cover glass toward the objective. Fiber diameter measurements shall be made at the approximate midlength of the fibers. Fiber edges appear as fine lines without borders when they are uniformly in focus. It is unusual, however, for both edges of the fiber to be in focus at the same time. If both edges of the fiber are not uniformly in focus, adjustment shall be made so that one edge of the fiber is in focus and the other shows as a bright line. To record the measurement, it is necessary to mark the point where the wedge corresponds with the fiber image as determined by (i) the fine lines of both edges when they are

uniformly in focus, or (ii) the fine line of one edge and the inner side of the bright line at the other edge when they are not uniformly in focus. The slide shall be traversed in planned courses so that fibers on all portions of the slide will be measured. Successive fibers should be measured whose midpoints come within the field—a circle 4 inches in diameter, centrally located in the projected area. Fibers shorter than 200 microns or longer than 300 microns and those having distorted images shall be excluded from measurement. The marks on the wedge scale indicating the diameter of fibers measured are counted and combined into cells for calculation as indicated in paragraph (a)(11) of this section.

(9) *Nature of test.* A test shall comprise the measurement of the test specimen by two operators, each operator following independently the procedures of paragraph (b)(7) of this section.

(10) *Number of fibers to measure.* The number of fibers to measure for each test shall be the number needed to attain confidence limits of the mean within ±0.40 micron at a probability of 95 percent. The approximate number of fiber measurements needed for each of the grades—as listed in Table 1—may serve as a guide. However, the precise number of fibers to be measured can be calculated by using the equation shown below:

$$n=(1.96\sigma/0.40)^2$$

In this equation:

n=Number of fibers to be measured, and
σ=Standard deviation of fiber diameters

(11) *Calculation and report.* The measurements of both operators shall be combined and the following calculations made by using the applicable formulae shown below:

(i) Total number of measurements (n)
(ii) The average diameter of fiber (X)

$$X=A+mE_1$$

(iii) The standard deviation (σ):

$$\sigma=m\sqrt{E_2-E_1^2}$$

In the formulae stated above:

A=Midpoint of cell containing the smallest measurement.
m=Cell interval.
$E_1=\Sigma fx/n$
$E_2=\Sigma fx^2/n$
Σ=Summation.
f=Observed frequency.
x=Deviation in cells from A

An example of the calculations is set forth below:

EXAMPLE OF CALCULATIONS: AVERAGE FIBER DIAMETER, STANDARD DEVIATION, AND CONFIDENCE LIMITS OF MEAN

Cell No.	Cell boundary	A	Deviation in cells from A, x	Observed frequency, f	ix	Fx²
5	10.0 to 12.5	11.25	0	1	0	0
6	12.5 to 15.0		1	15	15	15
8	15.0 to 17.5		2	66	132	264
7	17.5 to 20.0		3	141	423	1,269
9	20.0 to 22.5		4	165	660	2,640
10	22.5 to 25.0		5	176	880	4,400
11	25.0 to 27.5		6	138	828	4,968
12	27.5 to 30.0		7	99	693	4,851
13	30.0 to 32.5		8	79	632	5,056
14	32.5 to 35.0		9	55	495	4,455
15	35.0 to 37.5		10	35	350	3,500
16	37.5 to 40.0		11	9	99	1,089
17	40.0 to 42.5		12	8	96	1,152
18	42.5 to 45.0		13	6	78	1,014
19	45.0 to 47.5		14	4	56	784
20	47.5 to 50.0		15	0	0	0
21	50.0 to 52.5		16	3	48	768
Total				1,000	5,485	36,225

Number of measurements (n)=1,000.

A (midpoint of cell containing smallest diameter measurement)=11.25 microns.

m (cell interval)=2.5 microns.

$L_1 = (\Sigma fx/n) = 5485/1000 = 5.4850$ and $E_2 = (\Sigma fx^2/n) = 36.225/1{,}000 = 36.2250$

Average diameter, $X = A + mE_1 = 11.25 + 2.5 (5.4850) = 24.96$ microns.[1]

Standard deviation, $\sigma = m\sqrt{E_2 - E_1^2} =$

$2.5\sqrt{36.2250 - 30.0852} = 2.5(2.4779) = 6.19$ microns.[1]

Confidence limits of mean at 95 percent probability level $= \pm(1.96\sigma/\sqrt{n}) = \pm 12.1324/31.6127 = \pm 0.38$ micron.[1]

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[1] Round off the calculated values of average fiber diameter, standard deviation, and confidence limit of the mean to two decimal places as follows: If the figure in the third decimal place is 4 or less, retain the figure in the second decimal place unchanged; otherwise, increase the figure in the second decimal place by 1.

(c) Procedure for designating grade:

(1) *Single grade designation.* If the measured average fiber diameter and standard deviation correspond to requirements set forth for a single grade, that shall be the grade assigned to the sample. Example: Measured average fiber diameter = 28.50 microns; standard deviation = 8.1 microns; the grade designation is 32s.

(2) *Dual grade designation.* If the standard deviation exceeds the limits for the grade to which the average fiber diameter corresponds, the mohair shall be assigned a dual grade designation, the second designation being one grade coarser than the grade to which the average fiber diameter corresponds. Example: Measured average fiber diameter = 28.50 microns; standard deviation = 8.6 microns; the grade designation is 32s/30s.

32.205 Interpretation.

Since all the portions of a lot of ohair may not be of the same grade, he grade determined represents only he average grade of the entire lot. It hould not be construed to represent he grade of any component part of he lot.

METHODS FOR DETERMINING GRADE OF MOHAIR TOP

32.300 General.

The official standards of the United tates for grades of mohair top as deined in § 32.100 shall be the basis for rade determination. Grade may be etermined by (a) inspection or (b) easuring the number of fibers of a ample needed to attain the required onfidence limits of the mean, calculating the average fiber diameter and diameter dispersion, and comparing the average diameter and dispersion with the specifications for grades of mohair top. Both methods for determining grade shall be official; however, if the grade as determined by inspection differs from that determined by measurement, the grade determined by measurement shall prevail.

[38 FR 965, Jan. 8, 1973]

§ 32.301 Inspection method.

Determination of the grade of mohair top by inspection will be accomplished by comparing the fibers in the mohair top to be graded with the fibers in the mohair top samples certified by the U.S. Department of Agriculture as representative of the official grades. When using the certified samples to determine the grade of mohair top, the grade assigned shall be that of the certified sample which most nearly matches the mohair top being graded.

[38 FR 965, Jan. 8, 1973]

§ 32.302 Measurement method.

The determination of the grade of mohair top by measurement shall be by comparison of the measured average fiber diameter and fiber diameter dispersion with the specifications for the official standards of the United States for grades of mohair top. This determination shall be made in accordance with the procedure for determining average fiber diameter and fiber diameter dispersion provided in paragraph (a) of this section and the procedure for designating grade provided in paragraph (b) of this section.

(a) *Procedure for determining average fiber diameter and fiber diameter dispersion*—(1) *Summary of procedure.* The average fiber diameter and fiber diameter dispersion are determined by sectioning the fibers in a test specimen to a designated length, mounting the sections of fibers on a slide, projecting the magnified image onto a wedge scale, and measuring the diameter of a minimum number of fibers, as specified in this section.

(2) *Apparatus and material.* The following apparatus and materials are

needed and shall comply with the following provisions:

(i) *Microprojector.* The microprojector shall be capable of giving a precise magnification of at least 500×. This magnification can be accomplished satisfactorily with a vertically installed microscope equipped with a 10-15× eyepiece, a 20-21× objective with an aperture of approximately 0.50 centimeter, a fixed body tube, a focusable stage responsive to a coarse and fine adjustment, a focusable substage with condenser and iris diaphragm, and a light source that will give a well-defined fiber image. The microscope must be installed so that the projection distance can be adjusted to produce the required 500× magnification.

(ii) *Stage micrometer.* Calibrated glass slide used for accurate setting and control of the magnification.

(iii) *Cross-sectioning device, heavy duty.* An instrument approximately 2 inches (5 cm.) in height; consisting essentially of a metal plate with slot for holding a quantity of fibers, a key for compressing the fibers, and a tongue-propelling arrangement by which the fiber bundle may be extruded for sectioning.

(iv) *Microscope slides.* 1" by 3" (25×75 mm.).

(v) *Cover glasses.* No. 1 thickness, ⅞" by 2" (22×50 mm.).

(vi) *Mounting medium.* Colorless mineral oil with a refractive index between 1.53 and 1.43 and of suitable viscosity.

(vii) *Wedge scales.* Strips of heavy paper or Bristol board imprinted with a wedge for use at a magnification of 500×. The wedge is usually divided into 2.5 micron intervals (cells).

(3) *Calibration.* The microscope shall be adjusted to give a magnification of 500× in the plane of the projected image. This may be accomplished by placing a stage micrometer on the stage of the microprojector and bringing the microscope into such adjustment that an interval of 0.20 mm. on the stage micrometer will measure 100 mm. when sharply focused in the center of the image plane.

(4) *Sampling.* The lot shall be sampled by drawing from each 20,000 pounds (9,072 kilograms), or fraction thereof, four sections of sliver (test specimens) each of which shall be at least 1 yard (0.91 meter) in length and taken from different balls of mohair top, selected at random. Only one ball shall be taken from any one bale or carton. For broken mohair top (top not wound into balls), an equivalent length of sliver shall be taken at random. Only one test specimen shall be taken from any one can or package. The four test specimens shall constitute a sample.

(5) *Test condition.* Test specimens shall be preconditioned to approximate moisture equilibrium in an atmosphere of from 5 to 25 percent relative humidity at a temperature less than 122° F. (50° C.). Then the test specimens shall be conditioned for at least 4 hours in the standard atmosphere for testing, namely, 63 to 67 percent relative humidity at a temperature of 68° to 72° F. (19.9° to 22.1° C.).

(6) *Preparation of slides*—(i) *Filling cross-section device.* Each sliver (test specimen) of mohair top making up the sample shall be placed individually in the slot of the cross-sectioning device, positioning each sliver so that it will be cut at its approximate midlength. The sliver shall be compacted firmly with the compression key and the latter secured with the set screw.

(ii) *Preliminary section.* The gripped fibers shall be cut off at the upper and lower surfaces of the plate. The fiber bundle shall be extruded approximately 0.50 mm. in order to take up slack in the fibers and the propulsion mechanism. The projecting fibers shall be moistened with a few drops of mineral oil. This projecting fiber bundle shall be cut off with a razor blade flush with the upper surface of the fiber holder plate and the section discarded.

(iii) *Final section.* The fiber bundle shall again be extruded, approximately 0.25 mm., i.e., 250 microns. The fiber bundle shall be moistened with a few drops of mineral oil and the excess blotted off. The projecting fibers shall be cut off with a sharp razor blade flush with the holder plate, leaving the fiber pieces adhering to the razor blade.

(iv) *Mounting the fibers.* A few drops of mineral oil shall be placed on a clean glass slide. With a dissecting needle the fiber pieces shall be scraped from the razor blade onto the slide. The fibers shall be thoroughly dispersed in the oil with the dissecting needle and the slide completed with a cover glass. Sufficient oil should be used in the preparation of the slide to insure thorough distribution of the fibers, but an excess must be avoided, as practically no oil should be permitted to flow out or be squeezed out beyond the borders of the cover glass. If the number of fibers is too great to permit proper distribution on the slide, or if an excess of oil has been used, a portion of the mixture, after thorough dispersion of the fibers, may be wiped away with a piece of tissue or cloth. Slides shall be measured the day they are prepared.

(7) *Measurement of fibers.* The slide shall be placed on the stage of the microprojector, cover glass toward the objective. Fiber diameter measurements shall be made at the approximate mid-length of the fibers. Fiber edges appear as fine lines without borders when they are uniformly in focus. It is unusual, however, for both edges of the fiber to be in focus at the same time. If both edges of the fiber are not uniformly in focus, adjustment shall be made so that one edge of the fiber is in focus and the other shows as a bright line. To record the measurement, it is necessary to mark the point where the wedge corresponds with the fiber image as determined by (i) the fine lines of both edges when they are uniformly in focus, or (ii) the fine line of one edge and the inner side of the bright line at the other edge when they are not uniformly in focus. The slide shall be traversed in planned courses so that fibers on all portions of the slide will be measured. Successive fibers should be measured whose mid-points come within the field (a circle 4 inches in diameter, centrally located in the projected area). Fibers shorter than 200 microns or longer than 300 microns and those having distorted images shall be excluded from measurement. The marks on the wedge scale indicating the diameter of fibers measured are counted and combined into cells for calculation as indicated in paragraph (a)(10) of this section. Occasionally a fiber diameter will be less or greater than the extreme limits of the wedge scale. When this occurs, the image of the fiber is projected onto the border of the wedge scale and lines are drawn on the scale at the edges of the fiber image. The distance between the lines is later measured with a metric ruler to obtain the diameter of the fiber. When measuring fiber diameters in this manner, 1 mm. is equal to 2 microns.

(8) *Nature of test.* One test shall consist of the measurement by two operators of the same four slivers (test specimens) of mohair top. The measurement of both operators shall be combined for calculation of average fiber diameter and fiber diameter dispersion.

(9) *Number of slides and fibers.* Each operator shall make a slide from each test specimen, making a total of four slides per operator. The number of fibers to be measured per slide shall be determined by dividing the approximate number of fibers to be measured per test by 8 (the total number of slides prepared per test). The minimum number of fiber measurements required for each test shall be the number needed to attain confidence limits of the mean within ±0.40 micron at a probability of 95 percent. Each operator shall measure approximately one-half the required number of fibers. The approximate number of fiber measurements needed for each of the grades—as listed in § 32.100, table 1—may serve as a guide. However, the minimum number of fibers to be measured to attain the prescribed confidence limits can be calculated by using the equation shown below:

$$n=(1.96\sigma/0.40)^2$$

In this equation:

n=Number of fibers to be measured, and
σ=Standard deviation of fiber diameters.

(10) *Calculation and report.* The measurement of both operators shall be combined and the following calculations made by using the applicable formulae shown below:

(i) The average diameter of fibers (X):

$$X=A+mE_1$$

(ii) The standard deviation (σ):

$$\sigma = m\sqrt{E_2 - E_1{}^2}$$

(iii) The confidence limits of mean at 95 percent probability level=

$$X + (1.96\sigma/\sqrt{n})$$

In the formulae stated above:

A = Midpoint of cell containing the smallest measurement.
m = Cell interval.
n = Total number of fiber measurements.

$E_1 = (\Sigma fx/n)$ and $E_2 = (\Sigma fx^2/n)$, where

Σ = Summation.
f = Observed frequency.
x = Deviation in Cells from A.

An example of the calculations is se forth below:

EXAMPLE OF CALCULATIONS: AVERAGE FIBER DIAMETER, STANDARD DEVIATION, AND CONFIDENCE LIMITS OF MEAN

Cell No.	Cell boundaries (microns)	A (microns)	Deviation in cells from A, x	Observed frequency f	fx	fx²	Cumulative frequency	Cumulativ percent
5	10.0 to 12.5	11.25	0	1	0	0	1	0.1
6	12.5 to 15.0		1	15	15	15	16	1.6
7	15.0 to 17.5		2	66	132	264	82	8.2
8	17.5 to 20.0		3	141	423	1,269	223	22.3
9	20.0 to 22.5		4	165	660	2,640	388	38.8
10	22.5 to 25.0		5	176	880	4,400	564	56.4
11	25.0 to 27.5		6	138	828	4,968	702	70.2
12	27.5 to 30.0		7	99	693	4,851	801	80.1
13	30.0 to 32.5		8	79	632	5,056	880	88.0
14	32.5 to 35.0		9	55	495	4,455	935	93.5
15	35.0 to 37.5		10	35	350	3,500	970	97.0
16	37.5 to 40.0		11	9	99	1,089	979	97.9
17	40.0 to 42.5		12	8	96	1,152	987	98.7
18	42.5 to 45.0		13	6	78	1,014	993	99.3
19	45.0 to 47.5		14	4	56	784	997	99.7
20	47.5 to 50.0		15	0	0	0	997	99.7
21	50.0 to 52.5		16	3	48	768	1,000	100.0
Total				1,000	5,485			36,22

Number of measurements (n) = 1,000.
A (midpoint of cell containing smallest diameter measurement) = 11.25 microns.
m (cell interval) = 2.5 microns.

$E_1 = (\Sigma fx/n) = (5{,}485/1000) = 5.4850$ and $E_2 = (\Sigma fx^2/n) = (36{,}225/1{,}000) = 36{,}2250$

Average diameter, $X = A + mE_1 = 11.25 + 2.5(5.4850) = 24.96$ microns.[1]

Standard deviation, $\sigma = m\sqrt{E_2 - E_1{}^2} = 2.5\sqrt{36.2250 - 30.0852} = 2.5(2.4779) = 6.19$ microns.[1]

Confidence limits of mean at 95 percent probability level=

$X \pm (1.96\sigma/\sqrt{n}) = 24.96 \pm (12.1324/31.6127) = 24.96 \pm 0.38$ micron.[1]

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[1] Round off the calculated values of average fiber diameter, standard deviation, and confidence limit of the mean to 2 decimal places as follows: If the figure in the 3d decimal place is 4 or less, retain the figure in the 2d decimal place unchanged; otherwise, increase the figure in the 2d decimal place by 1.

(b) *Procedure for designating grade*—(1) *Single grade designation.* If the measured average diameter and the fiber diameter dispersion correspond to a single grade, that shall be the grade assigned.

Example: Average fiber diameter—30.9 microns.

Fiber diameter dispersion	Percen
30 microns and under	5
30.1 microns and over	4
40.1 microns and over	1
Grade designation—30s.	

(2) *Dual grade designation.* If the fiber dispersion does not meet the requirements for the grade to which the average fiber diameter corresponds, the mohair top shall be assigned a dual grade designation, the second designation being one grade coarser than the grade to which the average fiber diameter corresponds.

Example: Average fiber diameter—30.94 microns.

Fiber diameter dispersion	Percent
30 microns and under	45
30.1 microns and over	55

Fiber diameter dispersion	Percent
40.1 microns and over	16
Grade designation—30s-28s.	

[38 FR 965, Jan. 8, 1973]

SAMPLES REPRESENTATIVE OF OFFICIAL GRADE STANDARDS OF THE UNITED STATES FOR GREASE MOHAIR

§ 32.400 Standard samples of grease mohair grades; method of obtaining.

Samples certified as representative of the official standards of the United States for grades of grease mohair will be furnished as follows, subject to other conditions of this section, upon filing of an approved application and prepayment of the costs thereof as fixed in § 32.401. The certification will be issued by the U.S. Department of Agriculture and will be signed by the Director of the Livestock Division or other official duly authorized by him.

(a) Samples representative of each of the standard grades of grease mohair:

(1) *Complete set.* Ten certified samples of grease mohair, grades 40s through 18s.

(2) *Individual sample.* Individual certified samples of grease mohair.

NOTE: A certified sample consists of grease mohair randomly selected from a bulk sample. The measured average and standard deviation of fiber diameter of the bulk sample were within the limits corresponding to the grade of the standard sample as set forth in § 32.1.

(b) Each application for standard samples of grease mohair shall be upon an application form furnished or approved by the Consumer and Marketing Service, shall be signed by the applicant, and shall be accompanied by certified check, draft, post office money order, or express money order, payable to the "Agricultural Marketing Service," in an amount to cover the cost of the samples requested, and shall incorporate the following agreement.

(1) That no samples representative of the official grease mohair standards shall be considered or used as representing such standards after cancellation in accordance with this section.

(2) That the said standard samples shall be subject to inspection by the Secretary or by any duly authorized officer or agent of the Department of Agriculture during usual business hours of the person having custody of the samples.

(3) That the certificate covering any of the samples representative of the standards may be revoked and canceled by the Director of the Livestock Division, if it is found upon such inspection that the said samples are not representative of the official standards.

§ 32.401 Cost of standard samples for grease mohair grades.

(a) *Complete set.* $22 each, delivered to any destination within the United States and $25 each, delivered to any destination outside the United States.

(b) *Individual sample.* $2.50 each, delivered to any destination within the United States, and $3 each, delivered to any destination outside the United States.

§ 32.402 Standard samples of mohair top grades; method of obtaining.

Samples certified as representative of the official standards of the United States for grades of mohair top will be furnished when available as follows, subject to other conditions of this section, upon filing of an approved application and prepayment of the cost thereof as fixed in § 32.403. The certification will be issued by the U.S. Department of Agriculture and will be signed by the Director of the Livestock Division or other official duly authorized by him.

(a) Samples representative of the official grades of mohair top: (1) *Complete set.* Nine certified samples of mohair top, grades 40s through 20s.

(2) *Individual sample.* Individual certified samples of mohair top, grades 40s through 20s.

(b) Each application for standard samples of mohair top shall be upon an application form furnished or approved by the Agricultural Marketing Service, shall be signed by the applicant, and shall be accompanied by certified check, draft, postal money order, or express money order, payable to the "Agricultural Marketing Service," in an amount to cover the cost of the samples requested and shall incorporate the following agreement:

(1) That no samples representative of the official mohair top standards shall be considered or used as representing such standards after cancellation in accordance with this section.

(2) That the said standard samples shall be subject to inspection by the Secretary or by any duly authorized officer or agent of he Department of Agriculture during usual business hours of the person having custody of the samples.

(3) That the certificate covering any of the samples representative of the standards may be revoked and cancelled by the Director of the Livestock Division, if it is found upon such inspection that the said samples are not representative of the official standards.

[38 FR 967, Jan. 8, 1973]

§ 32.403 Cost of standard samples for mohair top grades.

(a) *Complete set.* Twenty-seven dollars each, delivered to any destination within the United States and $30 each, delivered to any destination outside the United States.

(b) *Individual sample.* Three dollars each, delivered to any destination within the United States, and $3.50 each, delivered to any destination outside the United States.

[38 FR 967, Jan. 8, 1973]

PART 33—EXPORT APPLES AND PEARS

DEFINITIONS

Sec.

33.1 Act.
33.2 Person.
33.3 Secretary.
33.4 Carrier.
33.5 Apples.
33.6 Pears.
33.7 Package.
33.8 Less than carload lot.

REGULATIONS

33.10 Minimum requirements.
33.11 Inspection and certification

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EXEMPTIONS

33.12 Apples and pears not subject to regulation.

WITHHOLDING CERTIFICATES

33.13 Notice.
33.14 Opportunity for hearing
33.15 Suspension of inspection
33.16 Service of notice or order

INTERPRETATIVE RULES

33.50 Apples and pears for processing.
33.60 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

AUTHORITY: Sec. 7, 48 Stat. 124; 7 U.S.C. 587.

SOURCE: 24 FR 6609, Aug. 14, 1959, unless otherwise noted.

DEFINITIONS

§ 33.1 Act.

"Act" and "Export Apple and Pear Act" are synonymous and mean "An act to promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes," approved June 10, 1933 (48 Stat. 123; 7 U.S.C. 581 *et seq.*).

§ 33.2 Person.

"Person" means an individual, partnership, association, corporation, or any other business unit.

§ 33.3 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

§ 33.4 Carrier.

"Carrier" means any common or private carrier, including, but not being limited to, trucks, railroads, airplanes, vessels, tramp or chartered steamers whether carrying for hire or otherwise.

§ 33.5 Apples.

"Apples" means fresh whole apples in packages whether or not they have been in storage.

§ 33.6 Pears.

"Pears" means fresh whole pears in packages whether or not they have been in storage.

§ 33.7 Package.

"Package" means any container of apples or pears.

§ 33.8 Less than carload lot.

"Less than carload lot" means a quantity of apples in packages not exceeding 20,000 pounds gross weight or 400 standard boxes or equivalent, or a quantity of pears in packages not exceeding 50,000 pounds gross weight or 1,000 standard boxes or equivalent.

[54 FR 29318, July 12, 1989]

REGULATIONS

§ 33.10 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of apples or pears to any foreign destination unless:

(a) Apples grade at least U.S. No. 1 grade or U.S. No. 1 Early grade, as specified in the United States Standards for Apples (§§ 51.300 through 51.323; 28 FR 9685), do not contain apple maggot and do not have more than 2 percent, by count, of apples with apple maggot injury, nor more than 2 percent, by count, of apples infested with San Jose scale or scale of similar appearance;

(b) Pears grade at least U.S. No. 2 grade, as specified in the United States Standards for Summer and Fall Pears, such as Bartlett, Hardy, and other similar varieties (§§ 51.1260 to 51.1280 of this chapter), or in the United States Standards for Winter Pears, such as Anjou, Bosc, Comice, and other similar varieties (§§ 51.1300 to 51.1323 of this chapter) do not contain apple maggot, and do not have more than 2 percent, by count, of pears with apple maggot injury, nor more than 2 percent, by count, of pears infested with San Jose scale or scale of similar appearance;

(c) Each package of apples or pears is packed so that the apples or pears in the top layer shall be reasonably representative in size, color, and quality of the contents of the package; and

(d) Each package of apples or pears is marked plainly and conspicuously with (1) the name and address of the grower, packer, or domestic distributor: *Provided*, That the name of the foreign distributor may be placed on consumer unit packages shipped in a master container if such master container is marked with the name and address of the grower, packer, or domestic distributor; (2) the variety of the apples or pears; (3) the name of the U.S. grade or the name of a state grade if the fruit meets each minimum requirement of a U.S. grade specified in this section; and (4) the numerical count or the minimum size, or, for pears, the count size in terms of the number required to fill a standard western pear box in accordance with the standard pack requirements set forth in the applicable U.S. Standard specified in this section. If count size is used, the number denoting count shall be followed by the word "size," e.g., 120 size.

[24 FR 6610, Aug. 14, 1959, as amended at 28 FR 12901, Dec. 12, 1963; 32 FR 9298, June 30, 1967; 33 FR 12819, Sept. 11, 1968]

§ 33.11 Inspection and certification.

(a) Each person shipping, or offering for shipment, apples or pears to any foreign destination shall cause them to be inspected by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection and certification of fresh fruits, vegetables and other products (Part 2851[1] of this chapter) and certified as meeting the requirements of the Act and this part. No carrier shall transport, or receive for transportation, apples or pears to any foreign destination unless they have been so inspected and certified. Inspection and certification may be obtained at any time prior to exportation of the apples or pears. Such a Federal or Federal-State certificate shall be designated as an "Export Form Certificate" and shall include the following statement: "Meets requirements of Export Apple and Pear Act." The shipper shall deliver a copy of the Export Form Certificate or Memorandum of Inspection to the export carrier. Whenever apples or pears are inspected and certified at any point other than the port of exportation, the shipper shall deliver a copy of the Export Form Certificate or Memorandum of Inspection to the agent of the first carrier that thereafter transports such apples or pears and such agent shall deliver such copy to the proper official of the carrier on which the apples or pears, covered by such certificate or memorandum, are to be exported. A copy of the Export Form Certificate or Memorandum of Inspection shall be filed by the export carrier for a period of not less than three (3) years after date of export.

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[1] Part 2851 was redesignated as Part 51 at 46 FR 63203, Dec. 31, 1981.

(b) If the inspector has reason to believe that samples of a lot of apples or pears have been obtained for a determination as to compliance with tolerance for spray residue, established under the Federal Food, Drug and Cosmetic Act, as amended (52 Stat. 1040; 21 U.S.C. 301 *et seq.*), he shall not issue a certificate on the lot unless it complies with such tolerances.

EXEMPTIONS

§ 33.12 Apples and pears not subject to regulation.

Except as otherwise provided in this section, any person may, without regard to the provisions of this part, ship or offer for shipment, and any carrier may, without regard to the provisions of this part, transport or receive for transportation to any foreign destination:

(a) A quantity of apples or pears to any foreign country not exceeding a total of 5,000 pounds gross weight or 100 boxes of apples or pears packed in standard boxes on a single conveyance: *Provided*, That pears may be shipped to Western Hemisphere countries touching or lying south of the Tropic of Cancer in less than carload lots not exceeding one such lot to any one consignee or receiver on a single conveyance.

(b) Apples or pears to Pacific ports west of the International Date Line which do not meet maturity standards of the grade specified in § 33.10, if the packages are conspicuously marked or printed with the words "Immature Fruit;" (in letters at least two inches high) if inspected and certified as meeting all other requirements of §§ 33.10 and 33.11.

(c) Apples for processing which do not meet the grade standards specified in § 33.10, if such apples grade at least U.S. No. 1 as specified in U.S. Standards for Apples for Processing (§§ 51.340 to 51.344 of this chapter), and if the containers are conspicuously marked "Cannery" (in letters at least two inches high) if inspected and certified as meeting all other requirements of §§ 33.10 and 33.11.

(d) Pears for processing which do not meet the grade standards specified in § 33.10, if such pears grade at least U.S. No. 1 as specified in U.S. Standards for Pears for Canning (§§ 51.1345 to 51.1358 of this chapter), and if the containers are conspicuously marked "Cannery" (in letters at least two inches high) if inspected and certified as meeting other requirements of §§ 33.10 and 33.11.

[24 FR 6610, Aug. 14, 1959, as amended at 30 FR 8775, July 13, 1965; 54 FR 29318, July 12, 1989]

WITHHOLDING CERTIFICATES

§ 33.13 Notice.

If the Secretary is considering withholding the issuance of certificates under the act for a period of not exceeding 90 days to any person who ships, or offers for shipment, apples or pears to any foreign destination in violation of any provisions of the act or this part, he shall cause notice to be given to the person accused of the nature of the charges against him and of the specific instances in which violation of the act or the regulations in this part is charged.

§ 33.14 Opportunity for hearing.

The person accused shall be entitled to a hearing, provided he makes written request therefor and files a written responsive answer to the charges made not later than 10 days after service of such notice upon him. The right to hearing shall be restricted to matters in issue. At such hearing, he shall have the right to be present in person or by counsel and to submit evidence and argument in his behalf. Failure to request a hearing within the specified time or failure to appear at the hearing when scheduled shall be deemed a waiver of the right to hearing. Such person may, in lieu of requesting an oral hearing, file a sworn written statement with the Secretary not later than 10 days after service of such notice upon him.

§ 33.15 Suspension of inspection.

Any order to withhold the issuance of a certificate, as provided in section 6 of the act, will be effective from the date specified in the order but no earlier than the date of its service upon the person found to have been guilty. Such order will state the inclusive dates during which it is to remain in effect, and during this period no inspector employed or licensed by the Secretary shall issue any Export Form Certificate or Memorandum of Inspection to such person.

§ 33.16 Service of notice or order.

Service of any notice or order required by the act or prescribed by the regulations in this part shall be deemed sufficient if made personally upon the person served, by registered mail, or by leaving a copy of such notice or order with an employee or agent at such person's usual place of business or abode or with any member of his immediate family at his place of abode. If the person named is a partnership, association, or corporation, service may similarly be made by service on any member of the partnership or any officer, employee, or agent of the association or corporation.

INTERPRETATIVE RULES

§ 33.50 Apples and pears for processing.

The terms "apples for processing" and "pears for processing" as used in § 33.12 of this part apply only and are restricted to packages of apples or pears which were originally packaged for processing and marked "Cannery" as required by § 33.12 (c) and (d) of this part. Packages of apples or pears not so originally packaged and marked are not eligible for certification as "apples for processing" or "pears for processing" for purposes of this part.

[25 FR 12430, Dec. 6, 1960]

§ 33.60 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

The information collection requirements contained in this part have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control number 0581-0143.

[49 FR 23825, June 8, 1984]

PART 34—TOBACCO SEED AND PLANT EXPORTATION ACT

GENERAL PROVISIONS

Sec.
34.1 Definitions.

ADMINISTRATION

34.2 Administrator.

PERMITS

34.3 Permit required.
34.4 Restrictions upon issuance of permits.
34.5 Method of obtaining permits.
34.6 Exceptions.

INSTRUCTIONS TO SHIPPERS

34.7 Marking packages.
34.8 Shipments by mail.
34.9 Shipments by railway, ferry boat, or vehicle.
34.10 Shipments by seagoing vessel or airplane.

DISPOSITION OF USED PERMITS

34.11 Procedure.

AUTHORITY: Sec. 1, 54 Stat. 231 (7 U.S.C. 516).

SOURCE: 11 FR 6171, June 7, 1946; 19 FR 57, Jan. 6, 1954, unless otherwise noted.

GENERAL PROVISIONS

§ 34.1 Definitions.

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator" means the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, or any employee of the U.S. Department of Agriculture to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead.

(c) "Director" means the Director of the Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture.

(d) "Act" means the Tobacco Seed and Plant Exportation Act.

ADMINISTRATION

§ 34.2 Administrator.

The Administrator is charged with the administration of the provisions of the Act and the regulations in this part.

PERMITS

§ 34.3 Permit required.

No tobacco seed or live tobacco plants may be exported from the United States or any Territory subject to the jurisdiction thereof to any foreign country, port, or place unless such exportation or transportation shall have been authorized in advance by a written permit of the Secretary countersigned by the Director.

§ 34.4 Restrictions upon issuance of permits.

(a) Permits will be granted only where the evidence indicates that the consignee is a representative of a government institution or an agency engaged in conducting agricultural experiments in the course of scientific research.

(b) Quantities permitted to be exported will be restricted to 14 grams or ½ ounce of seed or 500 live plants of any one variety, with the exception of the species Nicotiana rustica, to which this restriction will not apply.

§ 34.5 Method of obtaining permits.

Applications for permits shall show the following information:

(a) Name and address of exporter.

(b) Name, official title, address of person to whom the seed or plants are to be consigned, and the institution at which research is to be conducted.

(c) Type and variety of seed or plants.

(d) Nature of experiments to be conducted and objectives sought.

(e) Method of shipment proposed.

(f) Port of exit or post office of mailing.

(g) The intended date of exportation.

§ 34.6 Exceptions.

Shipments of tobacco seed or plants originating in a foreign country and entering or leaving a port of the United States in transit through the territory of the United States to a foreign country will not require a permit under the terms of the regulations in this part.

INSTRUCTIONS TO SHIPPERS

§ 34.7 Marking packages.

Packages or parcels containing tobacco seed or plants, the exportation of which has been authorized, shall be marked "Tobacco Seed and Plant Export Permit No. ——" with the permit number inserted in the blank space.

§ 34.8 Shipments by mail.

The permit must be filed by the consignor with the Postmaster at the office of mailing.

§ 34.9 Shipments by railway, ferry boat, or vehicle.

The permit must be filed with the Collector of Customs at the port from which the shipment is to be exported.

§ 34.10 Shipments by seagoing vessel or airplane.

The permit must be filed with the Collector of Customs at the port of lading on board the exporting vessel or airplane at least 24 hours before departure; and, in the case of shipment by a seagoing vessel, the permit must be filed at least 24 hours before the lading of such vessel.

DISPOSITION OF USED PERMITS

§ 34.11 Procedure.

Permits filed with postmasters and collectors of customs shall be stamped or endorsed to show the place and date of filing, and shall be mailed to the following address: Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250.

PART 35—EXPORT GRAPES AND PLUMS

DEFINITIONS

Sec.
35.1 Act.
35.2 Person.
35.3 Secretary.
35.4 Carrier.
35.5 Package.
35.6 Shipment.
35.7 Certificate.
35.8 Date of export.

REGULATIONS

35.11 Minimum requirements.
35.12 Inspection and certification.

EXEMPTIONS

35.13 Minimum quantity.

WITHHOLDING CERTIFICATES

35.14 Notice.
35.15 Opportunity for hearing.
35.16 Suspension of inspection.
35.17 Service of notice or order.
35.60 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

AUTHORITY: 74 Stat. 734; 75 Stat. 220; 7 U.S.C. 591-599.

SOURCE: 26 FR 8934, Sept. 22, 1961, unless otherwise noted.

DEFINITIONS

§ 35.1 Act.

"Act" or "Export Grape and Plum Act" means "An Act to promote the foreign trade of the United States in grapes and plums, to protect the reputation of American-grown grapes and plums in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes" (74 Stat. 734; 75 Stat. 220; 7 U.S.C. 591-599).

§ 35.2 Person.

"Person" means an individual, partnership, association, corporation, or any other business unit.

§ 35.3 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

§ 35.4 Carrier.

"Carrier" means any common or private carrier, including, but not being limited to, trucks, rail, airplanes, vessels, tramp or chartered steamers, whether carrying for hire or otherwise.

§ 35.5 Package.

"Package" means any container of any variety of vinifera species table grapes.

[41 FR 32877, Aug: 6, 1976]

§ 35.6 Shipment.

"Shipment" means one or more lots of any variety of vinifera species table grapes shipped or offered for shipment by any one person in a single conveyance to a foreign country regardless of the number of consignees, receivers, or ports of destination in that country.

[41 FR 32877, Aug. 6, 1976]

§ 35.7 Certificate.

"Certificate" or "Certificate of Inspection" means any of the official forms of inspection certificate, bearing the statement "meets Export Grape and Plum Act," issued by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection of fresh fruits, vegetables, and other products (7 CFR Part 2851[1]).

§ 35.8 Date of export.

"Date of export" means the date of loading on board the exporting carrier on which movement of the grapes from the United States is effected. The date of the on board bill of lading (or loading tally sheet) shall be considered to be the date the grapes were loaded on board, unless an "on board" date is shown.

REGULATIONS

§ 35.11 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of any variety of vinifera species table grapes unless such grapes meet the following quality and container marking requirements applicable to the variety and destination specified:

(a) Any such variety for export to destinations in Japan, Europe (defined to mean the following countries: Albania, Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, East Germany, England, Finland, France, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Northern Ireland, Norway, Poland, Portugal, Rumania, Scotland, Spain, Sweden, Switzerland, Wales, West Germany, Yugoslavia), or Greenland shall meet each applicable minimum requirement of the U.S. Fancy Table grape grade as specified in the U.S. Standards for Grades of Table Grapes (European or Vinifera Type) (§§ 51.880–51.912 of this title) except that the minimum bunch size for all varieties shall be one-half pound.

(b) Any such variety for export any foreign destination, other tha destinations in Japan, Europe, Gree land, Canada, or Mexico, shall me each applicable minimum requireme of the U.S. No. 1 Table grape grade specified in the U.S. Standards f Grades of Table Grapes (European Vinifera Type) (§§ 51.880 throug 51.912 of this title) except that an a ditional 2 percent tolerance for seale berry cracks on Ribier and Exotic var eties is allowed.

(c) Each package of any such vari ty, other than those in packages of pounds or less in master containers, any destination other than in Canad or Mexico shall be plainly and co spicuously marked with the name an address of the grower or packer, th variety, and the applicable inspectio lot stamp number, except that whe the packages are unitized, the require ment as to inspection lot stamp mark ing shall be deemed as met if the ex posed box ends on one end of the uni are so marked.

[41 FR 32877, Aug. 6, 1976]

§ 35.12 Inspection and certification.

(a) Each person shipping or offerin for shipment any variety of vinifer species table grapes, to any foreign destination other than destinations in Canada or Mexico, shall cause them to be inspected within 14 days prior to date of export by the Federal or Federal-State Inspection Service in accordance with regulations governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this chapter) and certified as meeting the requirements of the act and this part.

(b) The Federal or Federal-State certificate shall be designated as an "Export Form Certificate" and shall include one of the following statements as applicable:

(1) For any variety meeting specifications of paragraph (a) of § 35.11 "Meets requirements of Export Grape and Plum Act" or (2) For any variety meeting specifications of paragraph (b) of § 35.11 "Meets requirements of Export Grape and Plum Act except for export to destinations in Europe, Greenland, or Japan." No carrier shall

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[1] Part 2851 was redesignated as Part 51 at 46 FR 63203, Dec. 31, 1981.

transport or receive for transportation any such variety to any foreign destination other than Canada or Mexico unless a copy of the certificate of inspection issued thereon showing that the grapes meet requirements for the applicable export destination is surrendered to such carrier when such variety is so received. The shipper shall deliver a copy of such certificate covering the shipment to the export carrier. Such grapes may be inspected at points other than port of exportation. Whenever such grapes are inspected and certified at any point other than port of exportation, the shipper shall deliver a copy of such certificate to the agent of the first carrier that thereafter transports such grapes and such agent shall deliver such copy to the proper official of the carrier on which the grapes are to be exported.

(c) A copy of the Certificate of Inspection shall be filed by the export carrier for a period of not less than three (3) years following date of export.

(d) Persons exporting grapes under the provisions of section 2 of the Act shall first submit to the Federal or Federal-State Inspection Service a certification in duplicate stating the names and addresses of the contracting parties, the date of contract, the quantity of grapes to be delivered, the U.S. grade specified, the expected date of shipment, and the name and address of the export carrier. The certificate of inspection shall indicate that the grapes are eligible for export under section 2 of the Act.

(e) If the inspector has reason to believe that samples of a lot of any variety of vinifera species table grapes have been obtained for a determination as to compliance with tolerance for spray residue, established under the Federal Food, Drug and Cosmetic Act, as amended (52 Stat. 1040; 21 U.S.C. 301 et seq.), he shall not issue a certificate on the lot unless it complies with such tolerances.

[26 FR 8934, Sept. 22, 1961, as amended at 41 FR 32878, Aug. 6, 1976]

EXEMPTIONS

§ 35.13 Minimum quantity.

Any person may, without regard to the provisions of this part, ship or offer for shipment, and any carrier may, without regard to the provisions of this part, transport or receive for transportation to any foreign destination, a shipment of 25 packages or less of vinifera species table grapes, either a single variety or a combination of two or more varieties, not exceeding 1,250 pounds gross weight.

[41 FR 32878, Aug. 6, 1976]

WITHHOLDING CERTIFICATES

§ 35.14 Notice.

If the Secretary is considering withholding the issuance of certificates under the Act for a period of not exceeding 90 days to any person who ships, or offers for shipment, any variety of vinifera species table grapes to any foreign destination in violation of any provisions of the Act or this part, he shall cause notice to be given to the person accused of the nature of the charges against him and of the specific instances in which violation of the Act or the regulations in this part is charged.

[41 FR 32878, Aug. 6, 1976]

§ 35.15 Opportunity for hearing.

The person accused shall be entitled to a hearing, provided he makes written request therefor and files a written responsive answer to the charges made not later than 10 days after service of such notice upon him. The right to hearing shall be restricted to matters in issue. At such hearing, he shall have the right to be present in person or by counsel and to submit evidence and argument in his behalf. Failure to request a hearing within the specified time or failure to appear at the hearing when scheduled shall be deemed a waiver of the right to hearing. Such person may, in lieu of requesting an oral hearing, file a sworn written statement with the Secretary not later than 10 days after service of such notice upon him.

§ 35.16 Suspension of inspection.

Any order to withhold the issuance of a certificate, as provided in section 6 of the Act, will be effective from the date specified in the order but no earlier than the date of its service upon the person found to have been guilty. Such order will state the inclusive dates during which it is to remain in effect, and during this period no inspector employed or licensed by the Secretary shall issue any Certificate of Inspection to such person.

§ 35.17 Service of notice or order.

Service of any notice or order required by the Act or prescribed by the regulations in this part shall be deemed sufficient if made personally upon the person served, by registered mail, or by leaving a copy of such notice or order with an employee or agent at such person's usual place of business or abode or with any member of his immediate family at his place of abode. If the person named is a partnership, association, or corporation, service may similarly be made by service on any member of the partnership or any officer, employee, or agent of the association or corporation.

§ 35.60 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

The information collection requirements contained in this part have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control number 0581-0143.

[49 FR 23826, June 8, 1984]

PARTS 36—41 [RESERVED]

PART 42—STANDARDS FOR CONDITION OF FOOD CONTAINERS

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42.101 Meaning of words.
42.102 Definitions, general.

Sec.

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42.112 Defects of containers: Tables IV, VI, and VII.
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42.141 Obtaining Operating Characteristic (OC) curve information for skip lot sampling and inspection.
42.142 Curve for obtaining Operating Characteristic (OC) curve information for skip lot sampling and inspection.
42.143 Operating Characteristic (OC) curves for on-line sampling and inspection.

AUTHORITY: Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624).

Subpart A—Definitions

§ 42.101 Meaning of words.

Words used in this part in the singular form shall be considered to import the plural, or vice versa, as the case may demand.

[31 FR 4687, Mar. 19, 1966; 31 FR 4949, Mar. 25, 1966; Redesignated at 42 FR 32514, June 27, 1977 and at 46 FR 63203, Dec. 31, 1981]

§ 42.102 Definitions, general.

For the purpose of this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

Acceptable Quality Level (AQL). The maximum number of defects per hundred units (DHU) which is acceptable as a process average. Lots, or portions of production, having a quality level equal to a specified AQL will be accepted approximately 95 percent of the time when using the sampling plans prescribed for the AQL.

Acceptance Number (Ac). The number in a sampling plan that indicates the maximum number of defects permitted in a sample in order to consider a lot as meeting a specific requirement.

Administrator. The Administrator of the Agricultural Marketing Service (AMS) of the Department or any other officer or employee of the Agency to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

Basic Inspection Period. A specified period of consecutive production designated for on-line inspection (e.g., one shift's production, one day's production, etc.).

Condition. The degree of acceptability of the container with respect to freedom from defects which affect the serviceability, including appearance as well as usability, of the container for its intended purpose.

Cumulative Sum Sampling (CuSum) Plan. An on-line sampling plan that accumulates the number of defects which exceed the subgroup tolerance ("T") in a series of consecutive subgroups. Terms specified to the CuSum sampling plans are:

(a) *Acceptance Limit ("L").* The maximum accumulation of defects allowed to exceed the subgroup tolerance ("T") in any subgroup or consecutive subgroups.

(b) *CuSum value.* The accumulated number of defects that exceed the subgroup tolerance ("T").

(c) *Subgroup tolerance ("T").* The allowable number of defects in any subgroup.

(d) *Starting value ("S").* The initial CuSum value used to begin a CuSum sampling plan.

Defect. Any nonconformance of a container from specified requirements.

Defect classifications. The terms used to denote the severity of a defect. The terms are as follows:

(a) *Critical defect.* A defect that seriously affects, or is likely to seriously affect, the usability of the container for its intended purpose.

(b) *Major defect.* A defect that materially affects, or is likely to materially affect, the usability of the container for its intended purpose.

(c) *Minor defect.* A defect that materially affects the appearance of the container but is not likely to affect the usability of the container for its intended purpose.

(d) *Insignificant defect.* A flaw in the container that does not materially affect the appearance and does not affect usability of the container for its intended purpose. When performing examinations, insignificant defects shall not be recorded.

Defective. A container which has one or more defects.

Department. The U.S. Department of Agriculture.

Double sampling. A sampling scheme which involves use of two independently drawn but related samples, a first sample and a second sample which is added to the first to form a total sample size. A double sampling plan consists of first and total sample sizes with associated acceptance and rejection criteria. The first sample must be inspected first, and if possible, a decision as to acceptance or rejection of the lot made before a second sample is inspected. When the decision cannot be made on the first sample, a second sample is inspected; the decision to accept or reject is based on the total sample size.

Lot. A collection of filled food containers of the same size, type, and style. The term shall mean "inspection lot," i.e., a collection of units of product from which a sample is to be drawn and inspected to determine conformance with the applicable acceptance criteria. An inspection lot may differ from a collection of units designated as a lot for other purposes (e.g., production lot, shipping lot, etc.).

On-line sampling. The random selection of samples from a production line.

Operating Characteristic Curve (OC Curve). A curve that gives the probability of acceptance as a function of the quality level of the lot or the quality level of the portion of production. It shows the discriminatory power of a sampling plan, i.e., how the probability of accepting a lot, or portion of production, varies with the quality of the containers offered for inspection.

Origin inspection. An inspection made at any location where the filled containers are examined prior to shipment or transfer to the purchaser.

Primary container. The immediate container in which the product is packaged and which serves to protect, preserve, and maintain the condition of the product. It may be metal, glass, fiber, wood, textile, plastic, paper, or any other suitable type of material and may be supplemented by liners, overwraps, or other protective materials.

Probability of acceptance—(a) *For stationary lot sampling.* The chance that a lot with a given level of quality will be accepted. Probability of acceptance is synonymous with "Percent of Lots Expected to be Accepted." The probability of acceptance is normally designated as "Pa" but is designated as "Pas" when referring to skip lot sampling and inspection.

(b) *For On-line Sampling.* The chance that a portion of production with a given level of quality will be accepted. Probability of acceptance is synonymous with "Percent of Production Expected to be Accepted." The probability of acceptance is normally designated as "Pa." In on-line sampling inspection, the probability of acceptance of any portion of production depends on the sample results obtained from the preceding portions. The probability of acceptance values associated with these procedures are the values which would be expected if a large number of samples are to be inspected. For the CuSum plans referenced in this standard, the probability of acceptance at the Acceptable Quality Level (AQL) is approximately 95 percent. The starting value ("S") associated with each CuSum plan helps to make the probability of acceptance of the first portions of production of a basic inspection period as close as possible to 95 percent.

Random sampling. A process of selecting a sample from a lot, or portion of production, whereby each unit in the lot of portion of production, has an equal chance of being chosen.

Rejection number (Re). The number in a sampling plan that indicates the minimum number of defects in a sample that will cause a lot to fail a specific requirement.

Sample. Any number of sample units which are to be used for inspection.

Sample size (n). The number of sample units which are to be included in the sample.

Sample unit. The individual container including any component parts.

Sampling plan. Any plan stating the number of sample units to be included in the sample as well as the corresponding plan parameters used to make acceptance and rejection decisions.

Secondary container. The container in which one or more primary containers are packed. For example, a shipping case containing canned product.

Shipping case. The container in which the product or primary containers of the product are placed to protect, preserve, and maintain the condition of the product during transit or storage. The shipping case may include strapping, liners or other protective material.

Single sampling. A sampling scheme where the decision to accept or reject an inspection lot with respect to a specified requirement is made after the inspection of a single sample. A single sampling plan consists of a

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single sample size with associated acceptance and rejection criteria.

Stationary lot sampling. The process of randomly selecting sample units from a lot whose production has been completed. This type of lot is usually stored in a warehouse or in some other storage area and is offered "in toto" for inspection.

Subgroup. A group of sample units representing a portion of production.

Total defects. The sum of critical, major, and minor defects.

User. The person or agency at whose request inspection is conducted.

[31 FR 4687, Mar. 19, 1966, as amended at 36 FR 18456, Sept. 15, 1971; 41 FR 42639, Sept. 28, 1976. Redesignated at 42 FR 32514, June 27, 1977, and further amended at 45 FR 69423, Oct. 21, 1980. Redesignated at 46 FR 63203, Dec. 31, 1981]

Subpart B—Procedures for Stationary Lot Sampling and Inspection

§ 42.103 Purpose and scope.

(a) This subpart outlines the procedure to be used to establish the condition of containers in stationary lots of packaged foods. This subpart shall be used to determine the acceptability of a lot based on specified acceptable quality levels and defects referenced in § 42.104 or any alternative plan which is approved by the Administrator. In addition, any other sampling plan in the tables with a larger first sample size than that indicated by the lot size range may be specified when approved by the Administrator. This subpart or approved alternative plan will be applied when a Government agency or private user of the inspection or grading services requests that filled primary containers or shipping cases, or both, be certified for condition. Unless the request for certification specifically asks that only the primary container or only the shipping case be examined, both containers will be examined.

(b) Unless otherwise specified by the user of service, this subpart will not apply to inspection lots of less than 50 shipping cases or to inspection lots of less than 300 primary containers. When the primary container is the shipping case, the shipping case limit will apply. When the lot size exceeds either the 50 shipping case limit or the 300 primary container limit or both, the provisions of paragraph (a) of this section will apply.

(c) Under certain conditions, special procedures (Skip Lot Sampling and Inspection) may be used to determine the condition of containers in stationary lots of packaged foods. Subpart C sets forth the requirements and procedures for Skip Lot Sampling and Inspection.

[31 FR 4687, Mar. 19, 1966, as amended at 36 FR 18456, Sept. 15, 1971; 41 FR 42639, Sept. 28, 1976. Redesignated at 42 FR 32514, June 27, 1977, and further amended at 45 FR 69424, Oct. 21, 1980. Redesignated at 46 FR 63203, Dec. 31, 1981]

§ 42.104 Sampling plans and defects.

(a) *Sampling plans.* Sections 42.109 through 42.111 show the number of containers to examine for condition in relation to lot size ranges. The tables provide acceptance (Ac) and rejection (Re) numbers for lot acceptance (or rejection) based on the number, class, and type of defects present in the sample.

(b) *Defects.* The tables in § 42.112 enumerate and classify defects according to the degree to which the individual defect affects the serviceability, including appearance as well as usability, of the container for its intended purpose. The table in § 42.113 enumerates and classifies defects of the label, marking, or code.

[31 FR 4687, Mar. 19, 1966, as amended at 36 FR 18456, Sept. 15, 1971. Redesignated at 42 FR 32514, June 27, 1977 and 46 FR 63203, Dec. 31, 1981]

§ 42.105 Basis for selection of sample.

(a) *Identification of lot.* Selection of proper samples requires sufficient information to identify the lot; such information includes, but is not limited to:

(1) The lot size (see § 42.103 for restriction on small lots);

(2) The type and size of container;

(3) The code marks or other identification marks and the number of containers represented by each mark.

(4) The history of the lot regarding previous inspections; and

(5) The inspection status (normal, tightened, or reduced).

(b) *Preliminary scanning.* Prior to drawing the sample, the lot should be scanned to determine if any segments or portions are abnormal with respect to wet cases, blown cans, top layer rust, leaking bags, etc. If such segments or portions noted are of any consequence, the lot may be rejected for condition of containers without sampling.

(c) *Sample size.* Determination of the number of containers to check for condition:

(1) Refer to the table in §§ 42.109 through 42.111 (sampling plans) and find where the lot size (number of individual containers) fits into the column headed "Lot Size Ranges."

(i) Tables I-A (normal), II-A (tightened), or III-A (reduced), as applicable, will apply to origin inspections, unless the contractor requests that corresponding single sampling plans be used.

(ii) The appropriate double sampling plans in Table I will apply to other than origin inspections, unless the contractor requests that corresponding single sampling plans be used.

(2) Select the appropriate sample size for the corresponding lot size range as indicated in the appropriate column headed "Sample Size."

(3) Lots rejected for unsatisfactory condition of containers may be subsequently sampled after being reconditioned or reworked. Such lots or resulting portion of a lot may be sampled as a reoffered lot providing the reoffered portion is separately identifiable. When making such inspections, the appropriate sampling plan for tightened inspection shall be used. Except in the case of an appeal inspection, it is not permissible to reinspect a previously rejected lot until it has been reconditioned or reworked.

(d) *Sample selection.* Select samples from the lot presented in accordance with either of the following two procedures as may be applicable. (A lot offered for inspection will be accepted or rejected in its entirety with either sampling procedure used to select the sample.)

(1) *Proportional random sampling.* When the number of codes or other identifying marks within the lot and the approximate number of cases or containers per code are known, select sample units at random within each mark and in a number proportionate to the number of containers represented by such mark.

(2) *Simple random sampling.* When there are no code or other identifying marks, or when the number of codes or identifying marks within the lot and/or approximate number of cases or containers per mark are not known, select sample units at random from the entire lot.

(e) *Maximum sample units per case* If the lot is cased, predetermine the number of containers to draw from each sampled case as well as the position within the case. Do not restrict the sampling to the top or bottom layers or to the corners. The best sample is one selected from all the various positions in the shipping case. It is desirable but not mandatory to limit the number of sample units to a single container from any one case. Multiple sample units may be taken from a single case but not in excess of the following plan:

(1) When containers are packed 12 or less to a case, draw a maximum of 6 sample units from any one case; and

(2) When containers are packed more than 12 to a case but not more than 60, draw a maximum of 12 sample units from any one case; and

(3) When containers are packed more than 60 to a case but not more than 250, draw a maximum of 16 sample units from any one case; and

(4) When containers are packed more than 250 in a case, draw a maximum of 24 sample units from any one case.

[31 FR 4687, Mar. 19, 1966, as amended at 36 FR 18456, Sept. 15, 1971. Redesignated at 42 FR 32514, June 27, 1977 and 46 FR 63203, Dec. 31, 1981]

§ 42.106 Classifying and recording defects.

(a) *Classifying defects.* Examine each sample unit for the applicable type of defects listed in the table covering the container being inspected in §§ 42.112 and 42.113. Other defects, not specifically listed, shall be classified according to their effect on the intended use of the container.

(1) Related defects are defects on a single container that are related to a single cause. If the initial incident causing one of the defects had not occurred, none of the other related defects on the container would be present. As an example of related defects, a can may be a leaker and the exterior may also be seriously rusted due to the leakage of the contents. In this case, the container is scored only once for these two defects since the rust condition can be atributed to the leak. Score the container according to whichever condition is the most serious. In this example, score as a "leaker" (a critical defect) and not as "pitted rust" (a major defect).

(2) Unrelated defects are defects on a single container that result from separate causes. If the incident that caused one of the defects had not occurred, the other unrelated defects on the container would still be present. As an example of unrelated defects, a can may be seriously rusted, may have a bad dent along the seam, and the label may also be detached from the can because of improper gluing. In this case it is unlikely that any of the three defects exist because of a common cause. Therefore, they are considered unrelated defects and should be scored as three defects.

(3) The lot acceptance portion of this procedure is based on the number of defects per 100 containers. It is necessary to determine if the defects on any one container are "related" defects or "unrelated" defects. A container is scored for the most serious of related defects, and is also scored for each unrelated defect.

(b) *Recording defects.* Record on a worksheet the number, type, and class (critical, major, or minor) of defects on each sample unit.

(c) *Totaling defects.* Add the number of defects in each class, then add the number of minor, major, and critical defects to obtain the total defects.

[31 FR 4687, Mar. 19, 1966, as amended at 36 FR 18456, Sept. 15, 1971. Redesignated at 42 FR 32514, June 27, 1977 and 46 FR 63203, Dec. 31, 1981]

§ 42.107 Lot acceptance criteria.

(a) The acceptability of the lot is determined by relating the number and class of defects enumerated on the worksheet to the acceptance and rejection numbers shown in §§ 42.109 through 42.111 for the respective sample size and Acceptable Quality Level (AQL).

(b) Unless otherwise specified, use the following AQL's for the respective class of defects:

Defect class	AQL at origin inspection	AQL at other than origin inspection
Critical	0.25	0.25
Major	1.5	2.5
Total	6.5	10.0

(c) Refer to the appropriate sample size and AQL and compare the number of defects found in the sample with the acceptance (Ac) and rejection (Re) numbers in the sampling plan.

(1) Accept the lot after examining the single sample or first sample of a double sampling plan when all of the following conditions are met:

(i) The number of critical defects does not exceed the applicable acceptance number (Ac) for critical defects, and

(ii) The number of major defects does not exceed the applicable acceptance number (Ac) for major defects, and

(iii) The total number of critical, major, and minor defects does not exceed the applicable acceptance number (Ac) for total defects.

(2) Reject the lot after examining the single sample or first sample of a double sampling plan when any one or more of the following conditions occur:

(i) The number of critical defects equals or exceeds the applicable rejection number (Re) for critical defects, or

(ii) The number of major defects equals or exceeds the applicable rejection number (Re) for major defects, or

(iii) The total number of critical, major, and minor defects equals or exceeds the applicable rejection number (Re) for total defects.

(3) If the lot can neither be accepted nor rejected on the first sample, when a double sampling plan is used, select and examine the prescribed second sample. Accept the lot if the accumulated defects of the first and second sample meet conditions of paragraph (c)(1) of this section, otherwise, reject the lot.

[31 FR 4687, Mar. 19, 1966, as amended at 36 FR 18456, Sept. 15, 1971. Redesignated at 42 FR 32514, June 27, 1977 and 46 FR 63203, Dec. 31, 1981]

§ 42.108 Normal, tightened, or reduced inspection.

(a) *Normal inspection.* Sampling plans for normal inspection are those in Tables I and I-A. These plans shall be used except when the history of inspection permits reduced inspection or requires tightened inspection.

(b) *Tightened inspection.* Sampling plans for tightened inspection are those in Tables II and II-A.

(c) *Reduced inspection.* Sampling plans for reduced inspection are those in Tables III and III-A.

(d) *Switching rules:* The normal inspection procedure shall be followed except when conditions in paragraph (d) (1) or (3) of this section are applicable or unless otherwise specified. Application of the following switching rules will be restricted to the inspection of lots for one applicant at a single location (plant, warehouse, etc.), and will be based upon records of original inspections of lots (excluding resubmitted lots) at that same location.

(1) *Normal inspection to reduced inspection.* When normal inspection is in effect, reduced inspection shall be instituted providing that reduced inspection is considered desirable by the Administrator and further provided that all of the following conditions are satisfied for each class of defect:

(i) The preceding 10 inspection lots (or more, as indicated by the note to Table III-B) which have been inspected within the preceding 6 months have been on normal inspection and none has been rejected on original inspection; and

(ii) The total number of defects in the samples from the preceding 10 inspection lots (or such other number of lots used for condition in paragraph (d)(1)(i) of this section) is equal to or less than the applicable number given in Table III-B. If a double sampling plan is used, all samples inspected should be included, not "first" samples only; and

(2) *Reduced inspection to normal inspection.* When reduced inspection is in effect, normal inspection shall be reinstituted if any of the following occur:

(i) An inspection lot is rejected on original inspection; or

(ii) Production becomes irregular (delayed or accelerated); or

(iii) Other valid conditions warrant that normal inspection shall be reinstituted.

(3) *Normal inspection to tightened inspection.* When normal inspection is in effect, tightened inspection shall be instituted when 2 out of 5 consecutive inspection lots have been rejected on original inspection.

(4) *Tightened inspection to normal inspection.* When tightened inspection is in effect, normal inspection shall be reinstituted when five consecutive inspection lots have been considered acceptable on original inspection.

(e) When the rules require a switch in the inspection status because of one or more classes of defects, all classes of defects shall be inspected under the new inspection criteria. At the option of the user of the service and when approved by the Administrator, such user may elect to remain on normal inspection when qualified for reduced inspection, or on tightened inspection when qualified for normal inspection.

(f) *Appeal inspection*—(1) *Appeal request.* Any interested party who is not satisfied with the results of a condition inspection on packaged food containers, as stated on an official certificate, may request an appeal inspection.

(2) *How to file an appeal.* A request for an appeal inspection may be made orally or in writing. If made orally, written confirmation may be required. The applicant shall clearly state the reasons for requesting the appeal service and a description of the product to be appealed.

(3) *When an application for an appeal inspection may be refused.*

When it appears that: (i) The reasons given in the request are frivolous or not substantial; or (ii) the condition of the containers has undergone a material change since the original inspection; or (iii) the original lot is no longer intact, the applicant's request for the appeal inspection may be refused. In such case, the applicant shall be promptly notified of the reason(s) for such refusal.

(4) *Who shall perform the appeal.* An appeal inspection shall be performed by a person(s) other than the person who made the inspection being appealed.

(5) *Sampling procedures.* The sampling plan for an appeal inspection shall be the next larger sampling plan from the plan in the table used in the original inspection.

(6) *Appeal certificate.* Immediately after an appeal inspection is completed, an appeal certificate shall be issued to show that the original inspection was sustained or was not sustained. Such certificate shall supersede any previously issued certificate for the inspection involved and shall clearly identify the number and date of the superseded certificate. The issuance of the appeal certificate may be withheld until the previously issued certificate and all copies have been returned when such action is deemed necessary to protect the interest of the Government.

[31 FR 4687, Mar. 19, 1966, as amended at 36 FR 18456, Sept. 15, 1971. Redesignated at 42 FR 32514, June 27, 1977 and 46 FR 63203, Dec. 31, 1981]

§ 42.109 Sampling plans for normal condition of container inspection, Tables I and I-A.

TABLE I—SAMPLING PLANS FOR NORMAL CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	AQL 0.15						Other acceptable quality levels															
			Sample size		Ac	Re	Sample size		0.25		0.50		1.0		1.5		2.5		4.0		6.5		10.0	
									Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CA	6,000 or less	Single		126	0	1		84	0	1	1	2	2	3	3	4	4	5	6	7	9	10	13	14
		Double					1st	36	(*)	(*)	0	2	0	3	0	4	0	4	0	5	2	7	3	9
							2d	60																
							Total	96	(*)	(*)	1	2	2	3	3	4	4	5	7	8	10	11	15	16
CB	6,001-12,000	Single		264	1	2		168	1	2	2	3	4	5	5	6	7	8	11	12	16	17	23	24
		Double	1st	174	0	3	1st	120	0	2	0	3	2	5	2	6	3	7	6	10	10	14	14	19
			2d	162			2d	60																
			Total	336	1	2	Total	180	1	2	2	3	4	5	5	6	8	9	12	13	17	18	25	26
CC	12,001-36,000	Single		500	2	3		315	2	3	3	4	6	7	8	9	13	14	19	20	28	29	41	42
		Double	1st	252	0	3	1st	168	0	3	0	4	1	5	2	7	5	10	7	13	12	18	19	26
			2d	288			2d	180																
			Total	540	2	3	Total	348	2	3	3	4	7	8	9	10	14	15	21	22	31	32	45	46
CD	Over 36,000	Single		800	3	4		500	3	4	5	6	9	10	12	13	18	19	28	29	42	43	62	63
		Double	1st	456	0	4	1st	228	0	3	0	5	2	7	3	9	5	11	8	17	15	24	23	34
			2d	408			2d	288																
			Total	864	3	4	Total	516	3	4	5	6	9	10	12	13	19	20	29	30	43	44	64	65
CE		Single		1,250	4	5		800	4	5	7	8	13	14	18	19	27	28	42	43	64	65	95	96

Ac=Acceptance number.
Re=Rejection number.
(*)=Reject on one or more defects. These plans are less preferable than those with numbers listed under Ac and Re.

TABLE I-A—SAMPLING PLANS OF SELECTED AQL'S FOR NORMAL CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—No. of containers in lot	Type of plan	Sample size		Acceptable quality levels					
					0.25		1.5		6.5	
					Ac	Re	Ac	Re	Ac	Re
CA	6,000 or less	Double	1st	36	(*)	(*)	0	4	2	7
			2d	60						
			Total	96	(*)	(*)	3	4	10	11
CB	6,001-12,000	Double	1st	120	0	2	2	6	10	14
			2d	60						
			Total	180	1	2	5	6	17	18
CC	12,001-36,000	Double	1st	168	0	3	2	7	12	18
			2d	180						
			Total	348	2	3	9	10	31	32
CD	Over 36,000	Double	1st	228	0	3	3	9	15	24
			2d	288						
			Total	516	3	4	12	13	43	44

(*)=Reject on one or more defects.

[31 FR 4637, Mar. 19, 1966, as amended at 36 FR 18457, Sept. 15, 1971. Redesignated at 42 FR 32514, June 27, 1977 and 46 FR 63203, Dec. 31, 1981]

§ 42.110 Sampling plans for tightened condition of container inspection; Tables II and II-A.

TABLE II—SAMPLING PLANS FOR TIGHTENED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	AQL 0.15						Other acceptable quality levels															
			Sample size		Ac	Re	Sample size		0.25		0.50		1.0		1.5		2.5		4.0		6.5		10.0	
									Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CB	6,000 or less	Single		264	0	1		168	0	1	1	2	2	3	4	5	5	6	7	8	11	12	16	17
		Double	1st 2d	1st			 2d	120 60	(*)	(*)	0	2	0	3	2	5	2	6	3	7	6	10	10	14
			Total				Total	180	(*)	(*)	1	2	2	3	4	5	5	6	8	9	12	13	17	18
CC	6,001-12,000	Single		500	1	2		315	1	2	2	3	3	4	6	7	8	9	13	14	19	20	28	29
		Double	1st 2d	360 156	0	2	1st 2d	168 180	0	2	0	3	0	4	1	5	2	7	5	10	7	13	12	18
			Total	516	1	2	Total	348	1	2	2	3	3	4	7	8	9	10	14	15	21	22	31	32
CD	12,001-36,000	Single		800	2	3		500	2	3	3	4	5	6	9	10	12	13	18	19	28	29	42	43
		Double	1st 2d	456 408	0	3	1st 2d	228 288	0	3	0	3	0	5	2	7	3	9	5	11	8	17	15	24
			Total	864	2	3	Total	516	2	3	3	4	5	6	9	10	12	13	19	20	29	30	43	44
CE	Over 36,000	Single		1,250	3	4		800	3	4	4	5	7	8	13	14	18	19	27	28	42	43	64	65
		Double	1st 2d				1st 2d	456 408	0	4	1	5	2	6	5	10	8	13	12	19	21	28	32	41
			Total				Total	864	3	4	4	5	8	9	14	15	19	20	29	30	44	45	69	70
CF		Single		1,250	3	4		1,250	4	5	7	6	10	11	19	20	26	27	41	42	63	64	96	97

(*) Reject on one or more defects.

TABLE II-A—SAMPLING PLANS OF SELECTED AQL'S FOR TIGHTENED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—No. of containers in lot	Type of plan	Sample size		Acceptable quality levels					
					0.25		1.5		6.5	
					Ac	Re	Ac	Re	Ac	Re
CB	6,000 or less	Double	1st	120	(*)	(*)	2	5	6	10
			2d	60						
			Total	180	(*)	(*)	4	5	12	13
CC	6,001-12,000	Double	1st	168	0	2	1	5	7	13
			2d	180						
			Total	348	1	2	7	8	21	22
CD	12,001-36,000	Double	1st	228	0	3	2	7	8	17
			2d	288						
			Total	516	2	3	9	10	29	30
CE	Over 36,000	Double	1st	456	0	4	5	10	21	28
			2d	408						
			Total	864	3	4	14	15	44	45

(*) Reject on one or more defects.

[31 FR 4687, Mar. 19, 1966, as amended at 36 FR 18457, Sept. 15, 1971. Redesignated at 42 FR 32514, June 27, 1977 and 46 FR 63203, Dec. 31, 1981]

§ 42.111 Sampling plans for reduced condition of container inspection, Tables III and III-A; and limit number for reduced inspection, Table III-B.

TABLE III—SAMPLING PLANS FOR REDUCED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—Number of containers in lot	Type of plan	Sample size		Acceptable quality levels																	
					0.15		0.25		0.50		1.0		1.5		2.5		4.0		6.5		10.0	
					Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re	Ac	Re
CAA	6,000 or less	Single		29	1	2	1	2	1	2	1	2	1	2	2	3	3	4	4	5	5	6
		Double	1st	18	0	2	0	2	0	2	0	2	0	2	0	3	1	3	1	4	2	5
			2d	18																		
			Total	36	1	2	1	2	1	2	1	2	1	2	2	3	4	5	5	6	6	7
CA	6,001-36,000	Single		84	1	2	1	2	1	2	2	3	3	4	4	5	6	7	9	10	13	14
		Double	1st	36	0	2	0	2	0	2	0	3	0	4	0	4	0	5	2	7	3	9
			2d	60																		
			Total	96	1	2	1	2	1	2	2	3	3	4	4	5	7	8	10	11	15	16
CB	Over 36,000	Single		168	1	2	1	2	2	3	4	5	5	6	7	8	11	12	16	17	23	24
		Double	1st	120	0	2	0	2	0	3	2	5	2	6	3	7	6	10	10	14	14	19
			2d	60																		
			Total	180	1	2	1	2	2	3	4	5	5	6	8	9	12	13	17	18	25	26
CC		Single		315	1	2	2	3	3	4	6	7	8	9	13	14	19	20	28	29	41	42

TABLE III-A—SAMPLING PLANS FOR REDUCED CONDITION OF CONTAINER INSPECTION

Code	Lot size ranges—No. of containers in lot	Type of plan	Sample size		Acceptable quality levels					
					0.25		1.5		6.5	
					Ac	Re	Ac	Re	Ac	Re
CAA	6,000 or less	Double	1st	18	0	2	0	2	1	4
			2d	18						
			Total	36	1	2	1	2	5	6
CA	6,001-36,000	Double	1st	36	0	2	0	4	2	7
			2d	60						
			Total	96	1	2	3	4	10	11
CB	Over 36,000	Double	1st	120	0	2	2	6	10	14
			2d	60						
			Total	180	1	2	5	6	17	18

TABLE III-B—LIMIT NUMBERS FOR REDUCED INSPECTION

Number of sample units from last 10 lots inspected within 6 months	Acceptable quality level								
	0.15	0.25	0.5	1.0	1.5	2.5	4.0	6.5	10.0
320-499	(*)	(*)	(*)	0	1	4	8	14	24
500-799	(*)	(*)	0	2	3	7	14	25	40
800-1,249	(*)	0	1	4	7	14	24	42	68
1,250-1,999	0	0	3	7	13	24	40	69	110
2,000-3,149	0	2	6	14	22	40	68	115	181
3,150-4,999	1	4	10	24	38	67	111	186	293
5,000-7,999	3	7	18	40	63	110	181	302	472
8,000-12,499	7	14	31	68	105	181	297	491	765
12,500-19,999	13	24	52	110	169	290	471	777	1,207

*Denotes that the number of sample units from the last 10 inspection lots is not sufficient for reduced inspection for this AQL. In this instance more than 10 inspection lots may be used for the calculations if the inspection lots used are the most recent ones in sequence within the last 6 months, they have all been on normal inspection, and none has been rejected on original inspection.

[31 FR 4687, Mar. 19, 1966, as amended at 36 FR 18457, Sept. 15, 1971; 41 FR 42639, Sept. 28, 1976. Redesignated at 42 FR 32514, June 27, 1977 and 46 FR 63203, Dec. 31, 1981]

§ 42.112 Defects of containers: Tables IV, V, VI, and VII.

TABLE IV—METAL CONTAINERS

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	(1)	(1)	(1)
Closure incomplete, not located correctly or not sealed, crimped, or fitted properly		101	
Dirty, stained or smeared container			201
Key opening metal containers (when required):			
(a) Key missing		102	
(b) Key does not fit tab		103	
(c) Tab of opening band insufficient to provide accessibility to key		104	
(d) Improper scoring (band would not be removed in one continuous strip)		105	
Open top with plastic overcap (when required):			
(a) Plastic overcap missing		106	
(b) Plastic overcap warped (making opening or reapplication difficult)		107	
Outside tinplate or coating (when required):			
(a) Missing or incomplete			202
(b) Blistered, flaked, sagged, or wrinkled			203
(c) Scratched or scored			204
(d) Fine cracks			205

TABLE IV—METAL CONTAINERS—Continued

Defects	Categories		
	Critical	Major	Minor
Rust (rust stain confined to the top or bottom double seam or rust that can be removed with a soft cloth is not scored a defect):			
(a) Rust stain (nonmilitary purchases)			206
(b) Rust stain (military purchases)		108	
(c) Pitted rust		109	
Wet cans (excluding refrigerated containers)			207
Dent:			
(a) Materially affecting appearance but not usability			208
(b) Materially affecting usability		110	
Buckle:			
(a) Not involving end seam			209
(b) Extending into the end seam		111	
Collapsed container		112	
Paneled side materially affecting appearance but not usability			210
Solder missing when required		113	
Cable cut exposing seam		114	
Improper side seam		115	
Swell, springer, or flipper (not applicable to gas or pressure packed product nor frozen products)	1		
Leaker or blown container	2		
Frozen products only:			
(a) Bulging ends 3/16" to 1/4" beyond lip			211
(b) Bulging ends more than 1/4" beyond lip		116	

[1] None permitted.

TABLE V—GLASS CONTAINERS

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	(1)	(1)	(1)
Closure not sealed, crimped, or fitted properly		101	
Dirty, stained, or smeared container			201
Chip in glass			202
Stone (unmelted material) in glass			203
Pits in surface of glass			204
Sagging surface			205
Bead (bubble within glass):			
(a) 1/8" to 1/16" in diameter			206
(b) Exceeding 1/8" in diameter		102	
Checked		103	
Thin spot in glass		104	
Blister (structural defect)		105	
Bird swing (glass appendage inside container)	1		
Broken or leaking container	2		
Cap (nonheat processed):			
(a) Cross-threaded			207
(b) Loose but not leaking			208
(c) Pitted rust		106	
Cap (heat processed):			
(a) Cross-threaded or loose	3		
(b) Pitted rust		107	
Sealing tape or cello band (when required):			
(a) Improperly placed			209
(b) Not covering juncture of cap and glass		108	
(c) Ends overlap by less than 1/2"		109	
(d) Loose or deteriorating		110	

[1] None permitted.

Table VI—Rigid and Semirigid Containers—Corrugated or Solid Fiberboard, Chipboard, Wood, etc. (Excluding Glass and Metal)

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	(1)	(1)	(1)
Component part missing		101	
Closure not sealed, crimped, or fitted properly:			
(a) Primary container		102	
(b) Other than primary container			201
Dirty, stained, or smeared container			202
Wet or damp (excluding ice packs):			
(a) Materially affecting appearance but not usability			203
(b) Materially affecting usability		103	
Moldy area	1		
Crushed or torn area:			
(a) Materially affecting appearance but not usability			204
(b) Materially affecting usability		104	
Separation of lamination (corrugated fiberboard):			
(a) Materially affecting appearance but not usability			205
(b) Materially affecting usability		105	
Product sifting or leaking		106	
Nails or staples (when required):			
(a) Not as required, insufficient number or improperly positioned			206
(b) Nails or staples protruding		107	
Glue or adhesive (when required); not holding properly not covering area specified, or not covering sufficient area to hold properly:			
(a) Primary container		108	
(b) Other than primary container			207
Flap:			
(a) Projects beyond edge of container more than ¼ inch			208
(b) Does not meet properly, allowing space of more than ¼ inch			209
Sealing tape or strapping (when required):			
(a) Missing		109	
(b) Improperly placed or applied			210

[1] None permitted.

Table VII—Flexible Containers (Plastic, Cello, Paper, Textile, etc.)

Defects	Categories		
	Critical	Major	Minor
Type or size of container or component parts not as specified	(1)	(1)	(1)
Closure not sealed, crimped, stitched, or fitted properly.			
(a) Primary container		101	
(b) Other than primary container			201
Dirty, stained, or smeared container			202
Unmelted gels in plastic			203
Torn container:			
(a) Materially affecting appearance but not usability			204
(b) Materially affecting usability		102	
Product sifting or leaking		103	
Moldy area	1		
Individual packages sticking together or to shipping case (tear when separated)		104	
Not fully covering product		105	
Wet or damp (excluding ice packs):			
(a) Materially affecting appearance but not usability			205
(b) Materially affecting usability		106	
Overwrap (when required):			
(a) Missing		107	
(b) Loose, not sealed or closed			206
(c) Improperly applied			207
Sealing tape, strapping or adhesives (when required):			
(a) Missing		108	
(b) Improperly placed, applied, torn, or wrinkled			208
Tape over bottom and top closures (when required):			
(a) Not covering stitching		109	
(b) Torn (exposing stitching)		110	
(c) Wrinkled (exposing stitching)		111	

TABLE VII—FLEXIBLE CONTAINERS (PLASTIC, CELLO, PAPER, TEXTILE, ETC.)—Conti

Defects	Categories	
	Critical	Major
(d) Not adhering to bag:		
1. Exposing stitching		112
2. Not exposing stitching		
(e) Improper placement		

[1] None permitted.

[31 FR 4687 Mar. 19, 1966, as amended at 36 FR 18457, Sept. 15, 1971; 41 FR 42639, 1976. Redesignated at 42 FR 32514, June 27, 1977 and 46 FR 63203, Dec. 31, 1981]

§ 42.113 Defects of label, marking, or code; Table VIII.

TABLE VIII—LABEL, MARKING, OR CODE

Defects	Categories	
	Major	Minor
Not specified method	101	
Missing (when required)	102	
Loose or improperly applied		201
Torn or mutilated		202
Text illegible or incomplete (military purchases)	103	
Text illegible or incomplete		203
Incorrect	104	
In wrong location		204

[49 FR 5602, Feb. 14, 1984]

Subpart C—Skip Lot Sampling and Inspection Procedures

SOURCE: 41 FR 42639, Sept. 28, 1976, unless otherwise noted. Redesignated at 42 FR 32514, June 27, 1977, and at 46 FR 63203, Dec. 31, 1981.

§ 42.120 Description and qualification.

Skip lot sampling and inspection are special procedures for inspecting stationary lots in which only one-half or one-fourth of the lots offered for inspection are formally inspected. Skip lot sampling and inspection procedures may be instituted only when all of the following conditions are met:

(a) When authorized by the Administrator and acceptable to the user and producer, if different from the user.

(b) When inspection is origin inspection (see § 42.102).

(c) When all lots can be expected to be of essentially the same quality.

(d) When lots from the producer are currently on, or eligible to be on, either normal or reduced inspection.

§ 42.121 Sampling and inspectio dures.

(a) Following skip lot proced thorization, inspect every lot c tively offered for inspection normal inspection procedures forth in Subpart B of this par 10 consecutive lots are accepta spect only one-half of the lots for inspection using normal ins procedures. While on the one- spection rate, when 10 conse inspected lots are acceptable, only one-fourth of the lots off inspection using normal ins procedures. While on the one one-fourth inspection rate, if mally inspected lot is unacc revert immediately to the ins of every lot using normal ins procedures and recommence th procedure. See § 42.123 for a f gram of the skip lot sampling p

(b) Two exceptions to the dures in paragraph (a) of this are as follows:

(1) The skip lot sampling and tion rate of one-half can be in immediately if the lots from t ducer are currently on, or eli be on, reduced inspection and s conditions in § 42.120 are me skip lot sampling and ins begins, however, only normal tion is permitted.

(2) While inspecting every secutively as offered for ins i.e., while not on the one-half fourth sampling and inspection requirements for switching normal to tightened inspect met as specified in § 42.108 th lot procedures terminate, tight spection is initiated, and statio

sampling and inspection procedures in Subpart B are instituted. Skip lot procedures may be instituted again only when all conditions of § 42.120 are met.

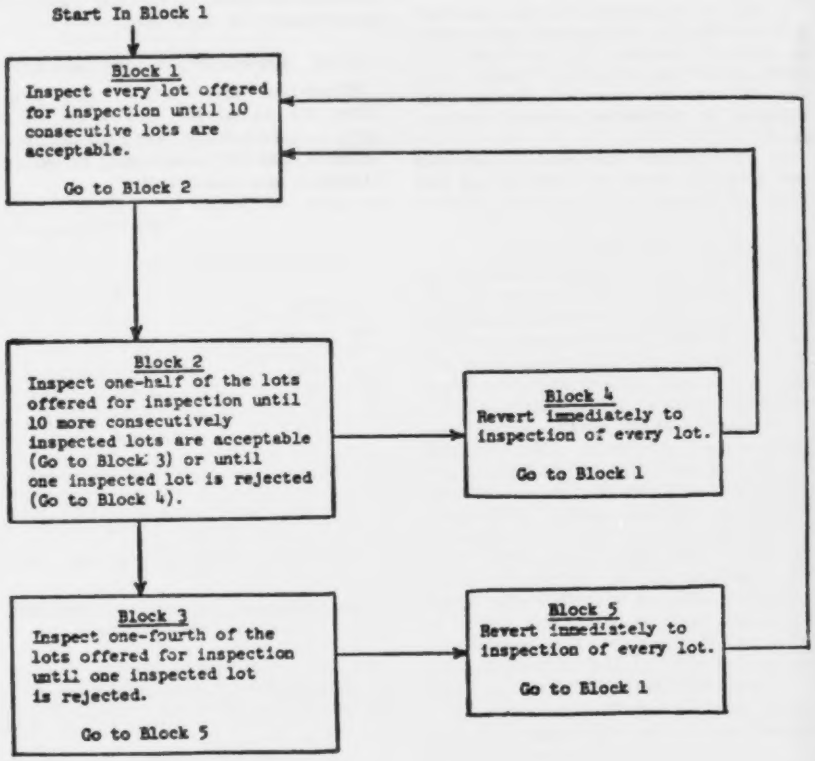
(c) All lot selections for the one-half and one-fourth inspection rates must be strictly random (for example, not every other lot or every fourth lot). Use of random number tables, coin flipping, or numbered cards is encouraged.

(d) Preliminary scanning procedures (see § 42.105) shall be used on all lots scheduled for formal inspection and also shall be used on lots not scheduled for inspection ("skipped" lots) whenever the inspector feels such action is prudent to further insure the acceptability of such lots.

§ 42.122 Applicability of other procedures.

Whenever appropriate, the procedures for classifying and recording defects in § 42.106 and for appeal inspections in § 42.108 also apply to skip lot sampling and inspection.

§ 42.123 Flow diagram for skip lot sampling and inspection.


Start In Block 1
Block 1
Inspect every lot offered for inspection until 10 consecutive lots are acceptable.
Go to Block 2
Block 2
Inspect one-half of the lots offered for inspection until 10 more consecutively inspected lots are acceptable (Go to Block 3) or until one inspected lot is rejected (Go to Block 4).
Block 4
Revert immediately to inspection of every lot.
Go to Block 1
Block 3
Inspect one-fourth of the lots offered for inspection until one inspected lot is rejected.
Go to Block 5
Block 5
Revert immediately to inspection of every lot.
Go to Block 1

NOTES: 1. Only normal inspection is permitted.

2. All lot selections for the one-half and one-fourth sampling rates must be strictly random (for example, not every other lot or every fourth lot).

3. Two exceptions to the procedures shown above are as follows:

(a) The skip lot sampling and inspection rate of one-half can be instituted immediately if the lots from the producer are currently on, or eligible to be on, reduced inspection and all other conditions in § 42.120 are met. When skip lot inspection begins, however, only normal inspection is permitted.

(b) While inspecting every lot consecutively as offered for inspection, i.e., while not on the one-half or one-fourth rate, if requirements for switching from normal to tightened inspection are met as specified in § 42.108 then skip lot procedures terminate, tightened inspection is initiated, and stationary lot sampling and inspection procedures in Subpart B are instituted. Skip lot procedures may be instituted again only when all conditions of § 42.120 are met.

Subpart D—On-Line Sampling and Inspection Procedures

AUTHORITY: Sec. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624).

SOURCE: 45 FR 69428, Oct. 21, 1980. Redesignated at 46 FR 63203, Dec. 31, 1981, unless otherwise noted.

§ 42.130 Description and qualifications.

(a) In many instances, food containers are loaded directly into carriers immediately after final packaging. This situation makes stationary lot sampling and inspection impractical. For such circumstances, the optional procedure for on-line sampling and inspection using cumulative sum sampling plans is provided. On-line sampling and inspection is a procedure in which subgroups of sampling units are selected randomly from predesignated portions of production. The acceptability of the portions of production is determined by inspecting, at the time of the sampling, the subgroups which represent these portions. On-line sampling and inspection contrasts with stationary lot procedures in which sample units are selected randomly and inspected and lot acceptability determinations are made only after lot production is completed.

(b) On-line sampling and inspection procedures may be instituted only when all of the following conditions are met:

(1) When authorized by the Administrator and acceptable to the user and producer, if different from the user.

(2) When inspection is origin inspection (see § 42.102).

(3) When previous production lots from the producer are currently on, or eligible to be on, either normal or reduced inspection. (When shifting from stationary lot sampling and inspection to on-line sampling and inspection, normal on-line inspection shall be initially used.)

(4) When inspection of the containers is performed at a point after which all condition of container related characteristics are fixed and will not be subject to change during final handling.

§ 42.131 Selection of samples.

(a) Prior to commencement of on-line sampling and inspection, the total amount of production for a given day or shift is predicted and is then subdivided into conveniently designated portions of production approximately equal in size. Portions may be designated by sequential numbers (e.g., containers 1 through 500 are portion 1, containers 501 through 1000 are portion 2, etc.) or by time intervals (e.g., the first half hour of production is portion 1, the second half hour of production is portion 2, etc.) during which the containers are identified by individual production codes for each time interval.

(b) Determine the number of sample units in a subgroup as follows:

Type of Inspection and Number of Sample Units

Normal—25
Tightened—50
Reduced—13

(c) Subgroups are drawn randomly from portions of production throughout the production process and are inspected for defects. The drawing of sampling units may be done in either of two ways: (1) The number of sample units (13, 25 or 50) comprising a subgroup may be drawn at the same time from a randomly chosen point in the production of each portion, or (2) sample units may be drawn individually, but in a random manner, throughout the production of each portion. At least 6 subgroups must be obtained during each basic inspection period regardless of the system used to designate portions of production.

(d) A shift to on-line sampling plans from stationary lot sampling plans (or vice versa) during a basic inspection period is not permitted.

§ 42.132 Determining cumulative sum values.

(a) The parameters for the on-line cumulative sum sampling plans for AQL's applicable to origin inspection are as follows:

Acceptable quality levels	Type of inspection								
	Normal			Tightened			Reduced		
	T	L	S	T	L	S	T	L	S
0.25	0.05	0.95	0.35	0.1	0.9	0.3	0	0	
1.5	0.5	2	1	0.8	1.6	0.4	0.5	0.5	
6.5	2	3	1	2.5	3	1	1	2	

(b) At the beginning of the basic inspection period, the CuSum value is set equal to the starting value ("S") for the specified CuSum plan. The CuSum value is then determined for each consecutive subgroup as follows:

(1) Add the number of defects for the present subgroup to the CuSum value of the previous subgroup.

(2) Subtract the subgroup tolerance ("T").

(3) The CuSum value is reset in the following situations; however, determine portion of production acceptability (see § 42.133) prior to resetting the CuSum value:

(i) Reset the CuSum value to zero (0) if the CuSum value is less than zero (0).

(ii) Reset the CuSum value to the acceptance limit ("L") if the CuSum value exceeds the acceptance limit ("L").

§ 42.133 Portion of production acceptance criteria.

(a) The acceptability of a portion of production is determined by comparing the calculated CuSum value with the acceptance limit ("L") for the specified AQL.

(b) A portion of production is acceptable if the CuSum value, calculated from the subgroup representing that portion, is equal to or less than the acceptance limit ("L") for all classes of defects.

(c) A portion of production is rejected if the CuSum value, calculated from the subgroup representing that portion, exceeds the acceptance limit ("L") for one or more classes of defects.

§ 42.134 Disposition of rejected portions of production.

Rejected portions of production from the same basic inspection period may be reworked, combined together to form a lot, and resubmitted for inspection under the criteria for tightened inspection using stationary lot sampling procedures described in Subpart B of this part.

§ 42.135 Normal, tightened or reduced on-line inspection.

(a) Normal, tightened and reduced on-line sampling plans are specified in § 42.132 (Determining cumulative sum values). Normal plans shall be used except when the history of inspection permits reduced inspection or requires tightened inspection.

(b) Switching rules: Normal on-line inspection procedures shall be followed except when conditions in paragraph (b) (1) or (3) of this section are applicable or unless otherwise specified. Application of the following switching rules will be restricted to the inspection of production for one applicant at a single production location and will be based upon records of original inspections of production (excluding resubmitted portions previously rejected and reworked) at that same location.

(1) *Normal Inspection to Reduced Inspection.* When normal inspection is in effect, reduced inspection shall be instituted provided that reduced inspection is considered desirable by the Administrator and further provided that all of the following conditions are satisfied for each class of defect:

(i) The preceding 40 consecutive portions of production have been on normal inspection and no more than one of these portions has been rejected on original inspection; and

(ii) The total number of defects in the subgroups (1000 sample units) from these preceding 40 consecutive portions of production is less than or equal to the following limit numbers for the specified AQL's:

Acceptable quality levels	Limit No.
0.25	0
1.5	9
6.5	54

(2) *Reduced Inspection to Normal Inspection.* When reduced inspection is in effect, normal inspection shall be reinstituted if any of the following occurs:

(i) More than one portion of production in any 40 consecutive portions of production is rejected on original inspection; or

(ii) Production becomes irregular (delayed or accelerated); or

(iii) Other valid conditions warrant that normal inspection shall be reinstituted.

(3) *Normal Inspection to Tightened Inspection.* When normal inspection is in effect, tightened inspection shall be instituted when two out of five consecutive portions of production have been rejected.

(4) *Tightened Inspection to Normal Inspection.* When tightened inspection is in effect, normal inspection shall be reinstituted when five consecutive portions of production have been considered acceptable.

(c) When the rules require a switch in the inspection status because of one or more classes of defects, all classes of defects shall be inspected under the new inspection criteria. At the option of the user of the service, and when approved by the Administrator, such user may elect to remain on normal inspection when qualified for reduced inspection, or on tightened inspection when qualified for normal inspection.

§ 42.136 Applicability of other procedures.

When appropriate, the procedures for classifying and recording defects in § 42.106 and for appeal inspections in § 42.108 also apply to on-line sampling and inspection.

Subpart E—Miscellaneous

AUTHORITY: Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*).

§ 42.140 Operating Characteristic (OC) curves for on-line sampling and inspection.

(a) This section contains the Operating Characteristic (OC) curve for each of the sampling plans given in Tables I, I-A, II, II-A, III, and III-A. The OC curve and the corresponding sampling plans are listed by AQL.

(b) Different acceptance and rejection criteria are provided for each AQL. The criteria for each AQL must be obtained from the applicable sampling plan tables.

(c) The curves show the ability of the various sampling plans to distinguish between good and bad lots. This can be illustrated by examining OC curve 6 for an AQL of 0.25 defects per hundred units in the Reduced and Normal Inspection Plans. If the quality of the lots submitted for inspection is poorer than the AQL of 0.25 defects per hundred units, fewer lots will be accepted. For example, OC curve 6 shows that when the quality of lots submitted for inspection is 1.0 defects per hundred units, only 26 percent of the lots are expected to be accepted. Conversely when the quality of the lots submitted for inspection is better than the AQL of 0.25 defects per hundred units, most lots are expected to be accepted. For example, the same OC curve 6 shows that when the quality of lots submitted for inspection is 0.10 defects per hundred units, about 99 percent of the lots are expected to be accepted.

(d) The table of sampling plans that correspond to OC curve 6 can be found over the curves for an AQL of 0.25 defects per hundred units in the Reduced and Normal Inspection Plan. An examination of this table reveals that there is one single and one double sampling plan that have OC curves comparable to OC curve 6. The first plan listed is a single plan requiring the inspection of 500 individual containers. Under this plan the lot is accepted as meeting the requirements for an AQL of 0.25 if there are 3 or less defects in the sample or rejected if there are 4 or more defects in the sample.

(e) The next plan that is listed in the column headed 6 for an AQL of

0.25 is a double sampling plan that requires the initial inspection of 228 individual containers. The lot will be accepted as meeting the requirements of an AQL of 0.25 if there are no defects in the sample, and rejected if there are 3 or more defects in the sample. In the event that the number of defects is between the acceptance (0) and rejection (3) numbers, additional containers must be inspected. In this case, the table indicates that a total of 516 containers must be inspected before a decision can be made to either accept or reject the lot. This will require the inspection of 288 more containers (516—228=288).

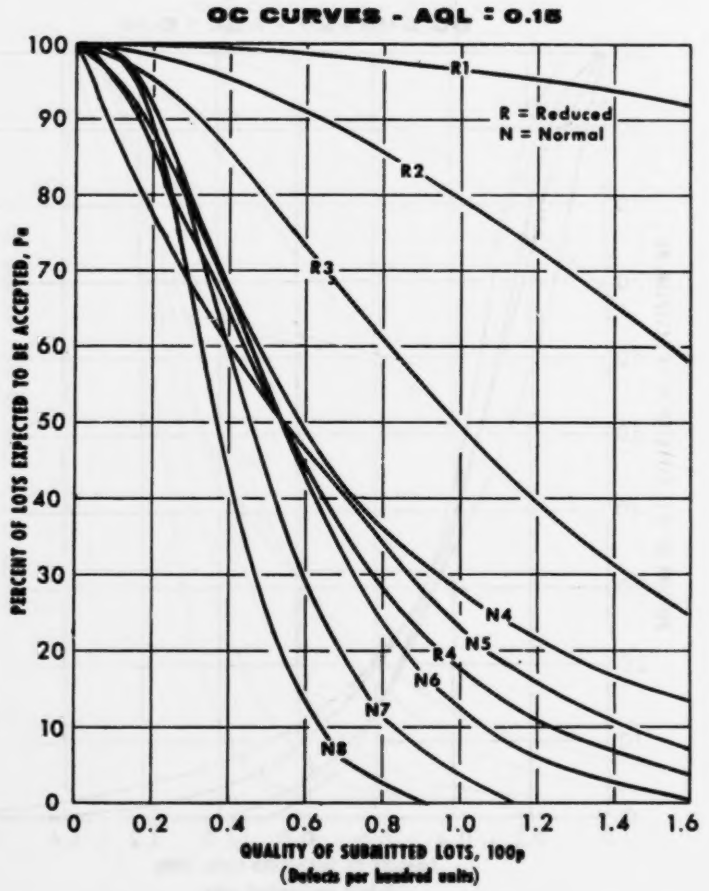
If there are 3 or less defects in the total sample, the lot will be accepted. If there are 4 or more defects in the total sample, the lot will be rejected. The other double sampling plans operate in a similar manner with the only differences being the sample sizes and acceptance and rejection numbers.

REDUCED AND NORMAL INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.15 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=0.15]

Comparable sampling plans	Identification number of OC curve																										
	R1			R2			R3			R4			N4			N5			N6			N7			N8		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	1	2	84	1	2	126	0	1	315	1	2	168	1	2	264	1	2	500	2	3	800	3	4	1,250	4	5
Double	18	0	2	36	0	2	......	......	......	......	......	......	120	0	2	174	0	2	252	0	3	456	0	4	......	......	......
	36	1	2	96	1	2	......	......	......	......	......	......	180	1	2	336	1	2	540	2	3	864	3	4	......	......	......

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



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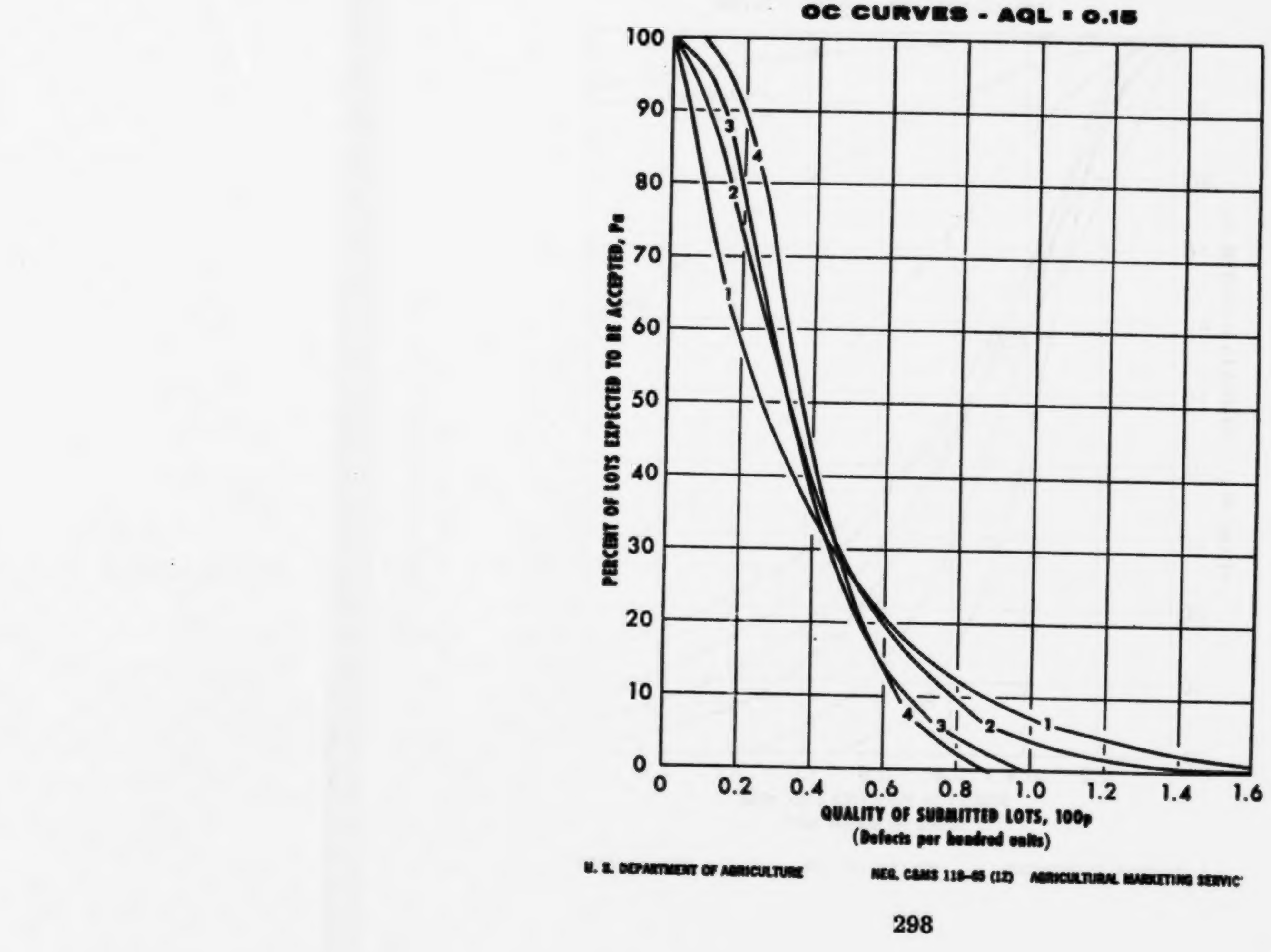
TIGHTENED INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.15 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=0.15]

Comparable sampling plans	Identification number of OC curves											
	1			2			3			4		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	264	0	1	500	1	2	800	2	3	1,250	3	4
Double				360 516	0 1	2 2	456 864	0 2	3 3	576 1,296	0 3	3 4

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



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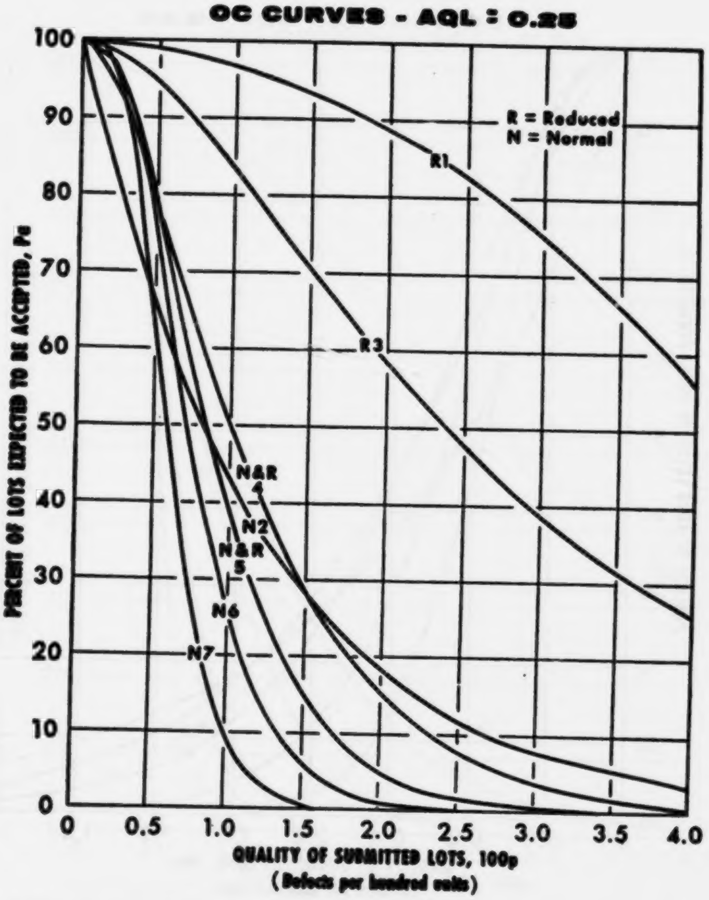
REDUCED AND NORMAL INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.25 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=0.25]

Comparable sampling plans	Identification number OC curves																				
	R1			N2			R3			N and R4			N and R5			N6			N7		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	1	2	84	0	1	84	1	2	168	1	2	315	2	3	500	3	4	800	4	5
Double	18 18	0 1	2 2	....	36 96	0 1	2 2	120 180	0 1	2 2	168 348	0 2	3 3	228 516	0 3	3 4	....	....	....	....	....

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



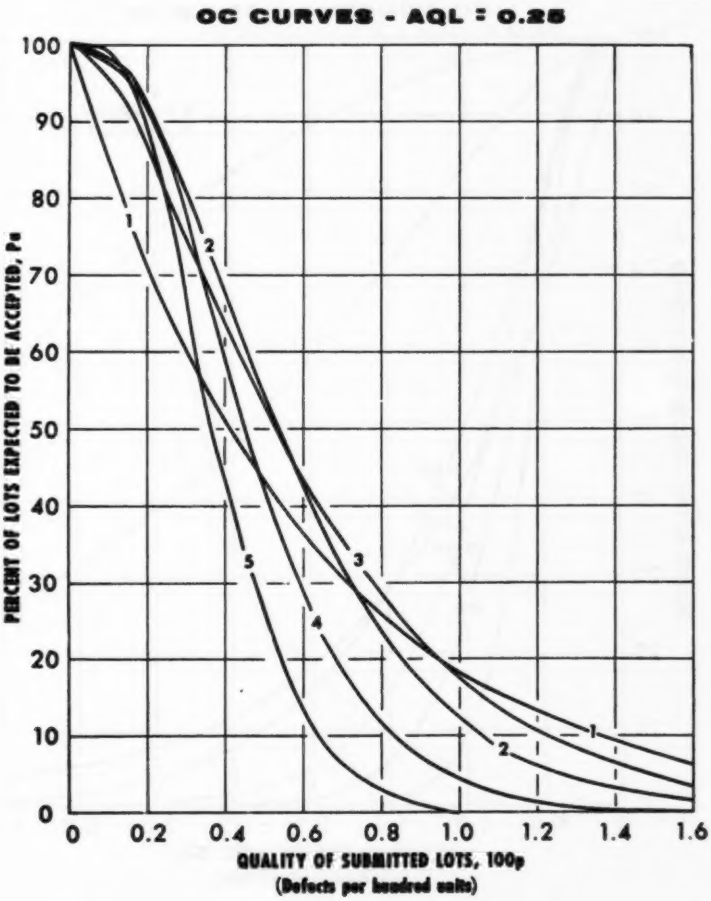
U. S. DEPARTMENT OF AGRICULTURE NEG. CN&MS 128-65 (12) AGRICULTURAL MARKETING SERVICE

TIGHTENED INSPECTION PLANS—SAMPLING PLANS AND OPERATION CHARACTERISTICS (OC) CURVES FOR AQL=0.25 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=0.25]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	0	1	315	1	2	500	2	3	800	3	4	1,250	4	5
Double				168 348	0 1	2 2	228 516	0 2	3 3	456 864	0 3	4 4			

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



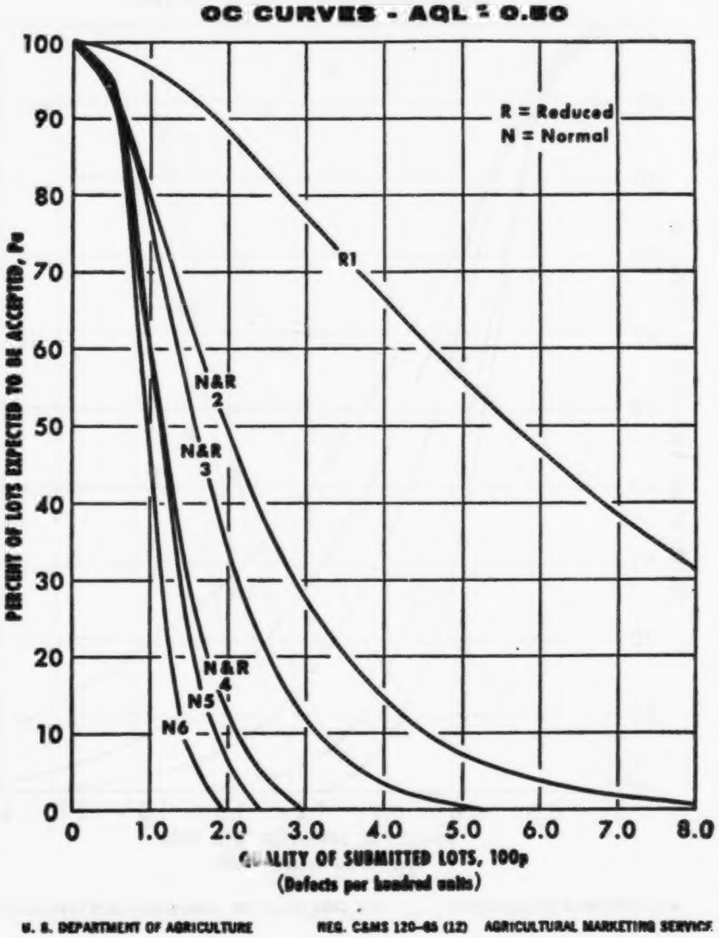
U. S. DEPARTMENT OF AGRICULTURE NEG. CAMS 117-65 (12) AGRICULTURAL MARKETING SERVICE

REDUCED AND NORMAL INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.50 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=0.50]

Comparable sampling plans	Identification number of OC curves																	
	R1			N and R2			N and R3			N and R4			N5			N6		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	1	2	84	1	2	168	2	3	315	3	4	500	5	6	800	7	8
Double	18 36	0 1	2 2	36 96	0 1	2 2	120 180	0 2	3 3	168 348	0 3	4 4	228 516	0 5	5 6	....	....	....

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.

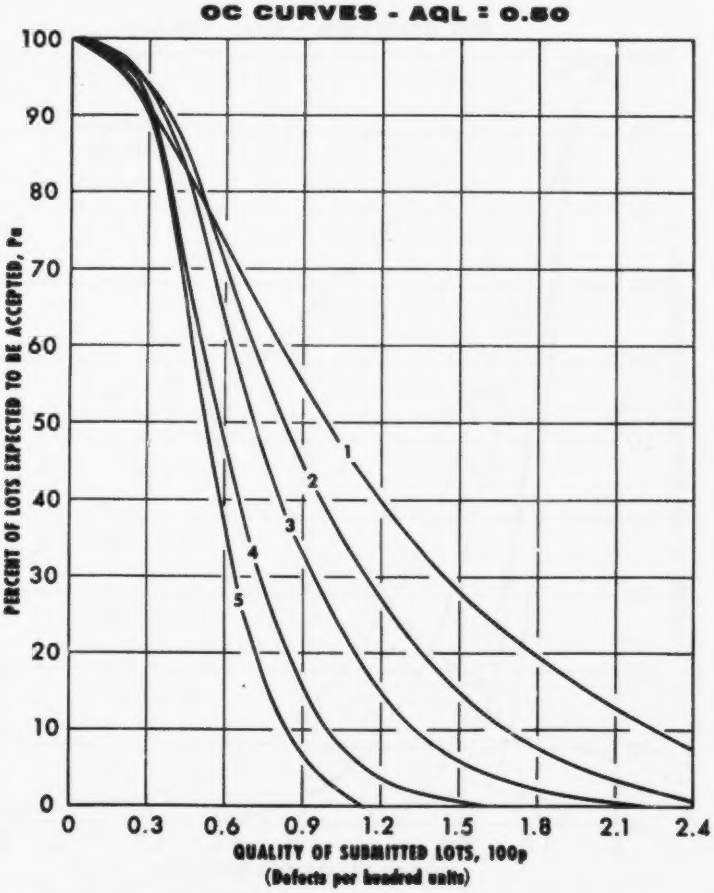


TIGHTENED INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL = 0.50 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL = 0.50]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	1	2	315	2	3	500	3	4	800	4	5	1,250	6	7
Double	120 180	0 1	2 2	168 348	0 2	3 3	228 516	0 3	3 4	456 864	1 4	5 5			

n_c = Cumulative sample size. Ac = Acceptance number. Re = Rejection number.



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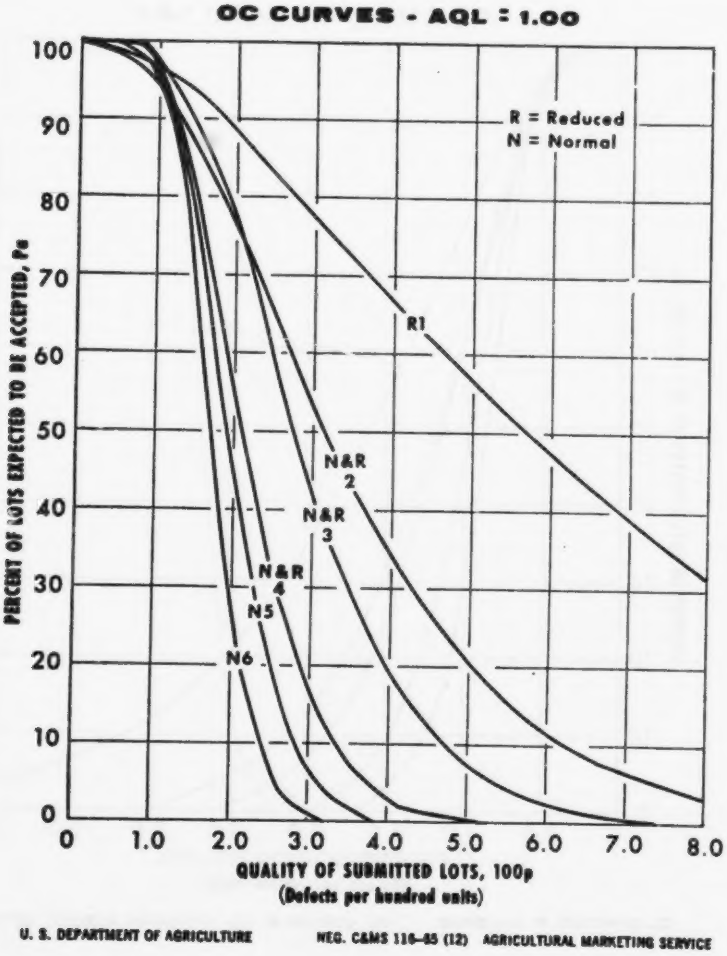
REDUCED AND NORMAL INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=1.00 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=1.00]

Comparable sampling plans	Identification number of OC curves																	
	R1			N and R2			N and R3			N and R4			N5			N6		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	1	2	84	2	3	168	4	5	315	6	7	500	9	10	800	13	14
Double	18 36	0 1	2 2	36 96	0 2	3 3	120 180	2 4	5 5	168 348	1 7	5 8	228 516	2 9	7 10	....	....	....

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.

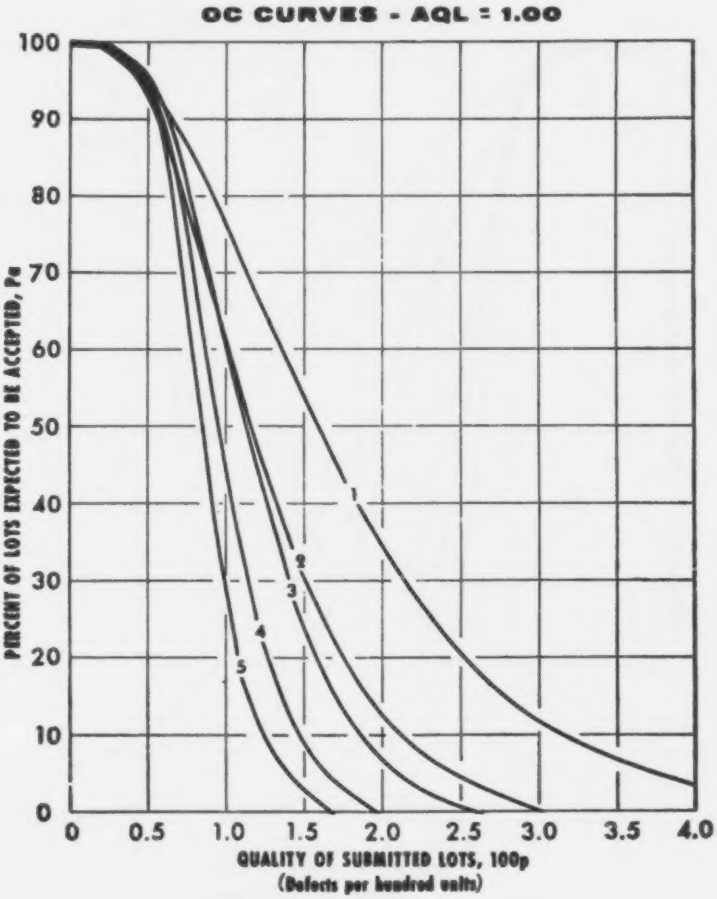


TIGHTENED INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL = 1.00 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL = 1.00]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	2	3	315	3	4	500	5	6	800	7	8	1,250	10	11
Double	120 180	0 2	3 3	168 348	0 3	4 4	228 516	0 5	5 6	456 864	2 8	6 9			

n_c = Cumulative sample size Ac = Acceptance number. Re = Rejection number.



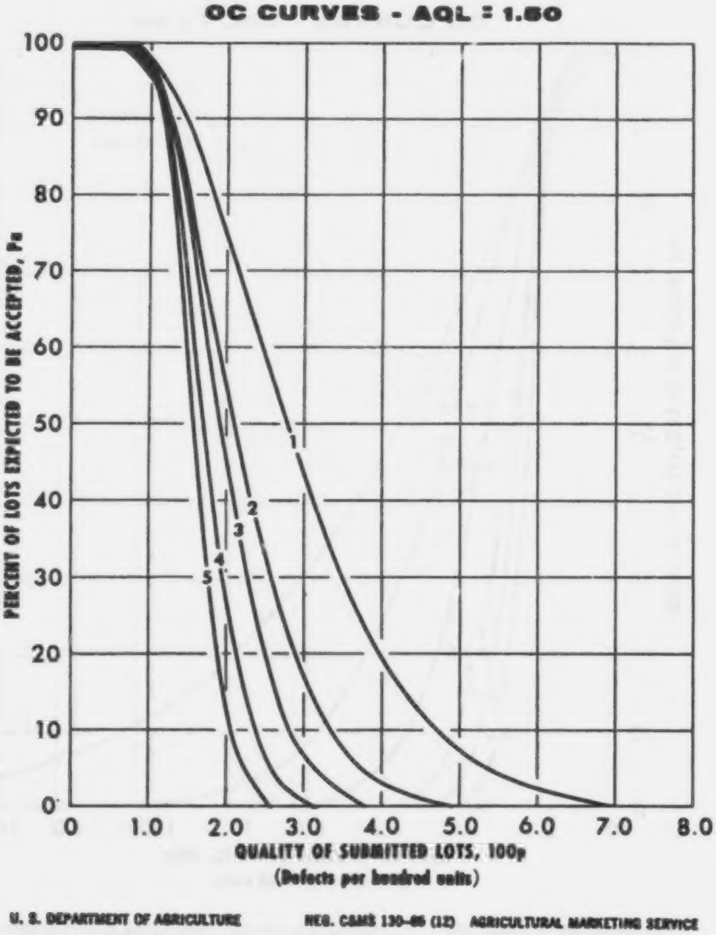
U.S. DEPARTMENT OF AGRICULTURE NEG. CAMS 132-65 (12) AGRICULTURAL MARKETING SERVICE

REDUCED AND NORMAL INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL = 1.50 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL = 1.50]

Comparable sampling plans	Identification number of OC curves																	
	R1			N and R2			N and R3			N and R4			N5			N6		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	1	2	84	3	4	168	5	6	315	8	9	500	12	13	800	18	19
Double	18 36	0 1	2 2	36 96	0 3	4 4	120 180	2 5	6 6	168 348	2 9	7 10	228 516	3 12	9 13			

n_c = Cumulative sample size. Ac = Acceptance number. Re = Rejection number.

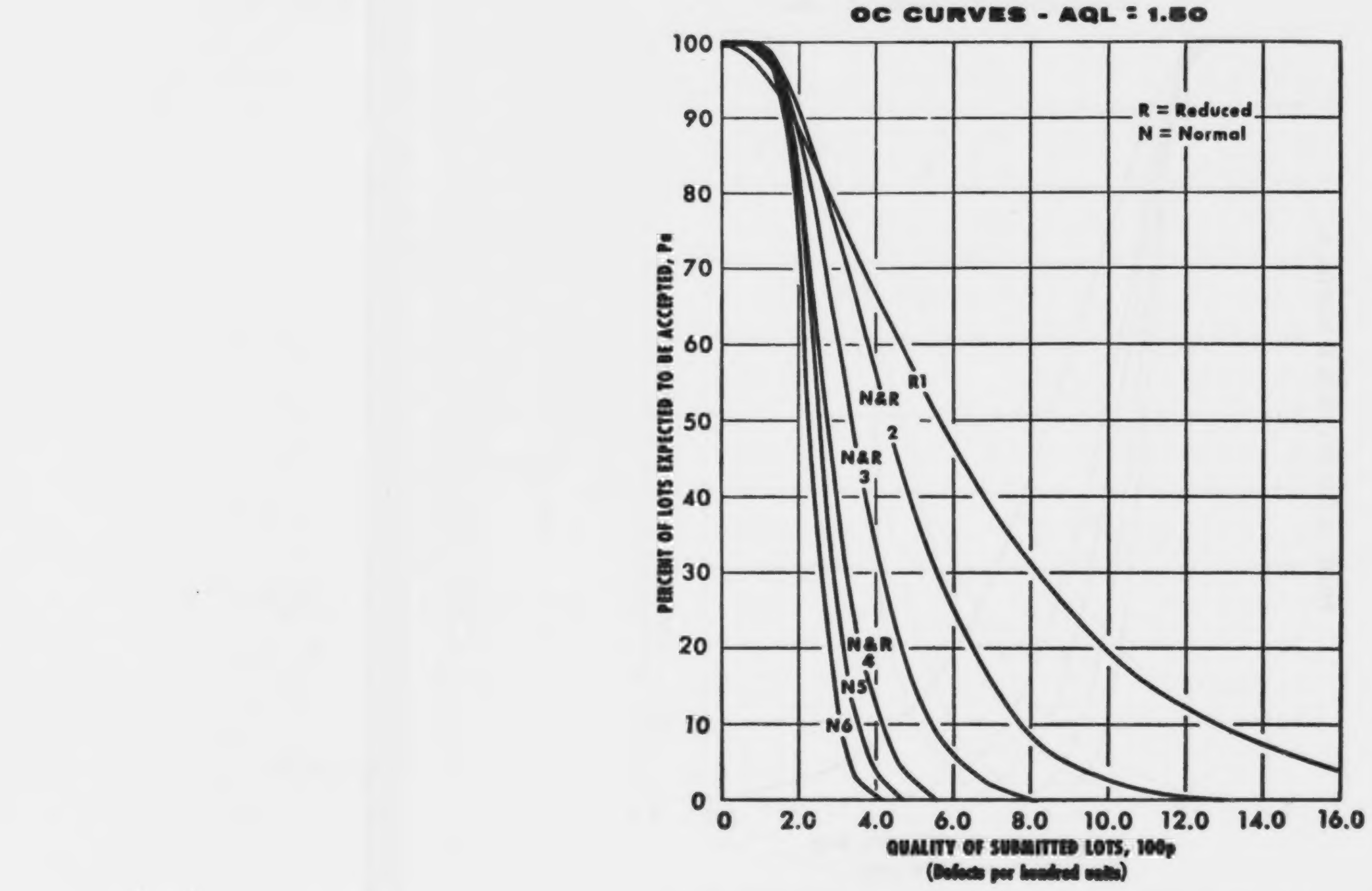


TIGHTENED INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL = 1.50 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL = 1.50]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	4	5	315	6	7	500	9	10	800	13	14	1,250	19	20
Double	120 180	2 4	5 5	168 348	1 7	5 8	228 516	2 9	7 10	456 864	5 14	10 15			

n_c = Cumulative sample size. Ac = Acceptance number. Re = Rejection number.



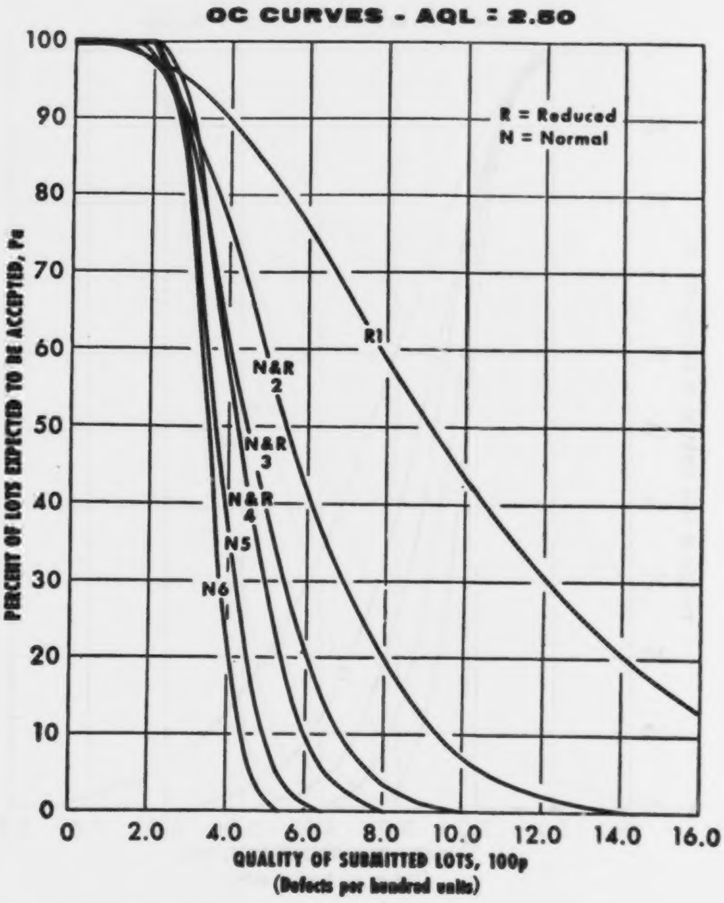
U. S. DEPARTMENT OF AGRICULTURE NEG. CAMS 121-60 (12) AGRICULTURAL MARKETING SERVICE

REDUCED AND NORMAL INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=2.50 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=2.50]

Comparable sampling plans	Identification number of OC curves																	
	R1			N and R2			N and R3			N and R4			N5			N6		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	2	3	84	4	5	168	7	8	315	13	14	500	18	19	800	27	28
Double	18 36	0 2	3 3	36 96	0 4	4 5	120 180	3 8	7 9	168 348	5 14	10 15	228 516	5 19	11 20			

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



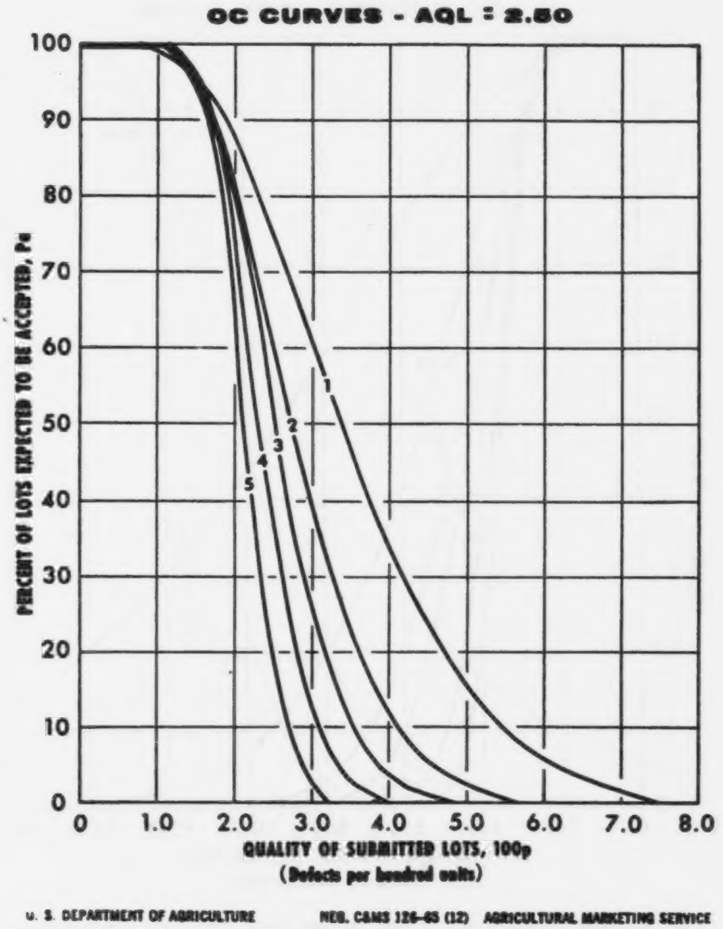
U.S. DEPARTMENT OF AGRICULTURE NEG. CAMS 125-65 (12) AGRICULTURAL MARKETING SERVICE

Tightened Inspection Plans—Sampling Plans and Operating Characteristic (OC) Curve for AQL=2.50 Defects per Hundred Units

[Sampling plans—AQL=2.50]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	5	6	315	8	9	500	12	13	800	18	19	1,250	26	2
Double	120 180	2 5	6 6	168 348	2 9	7 10	228 516	3 12	9 13	456 864	8 19	13 20			

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.

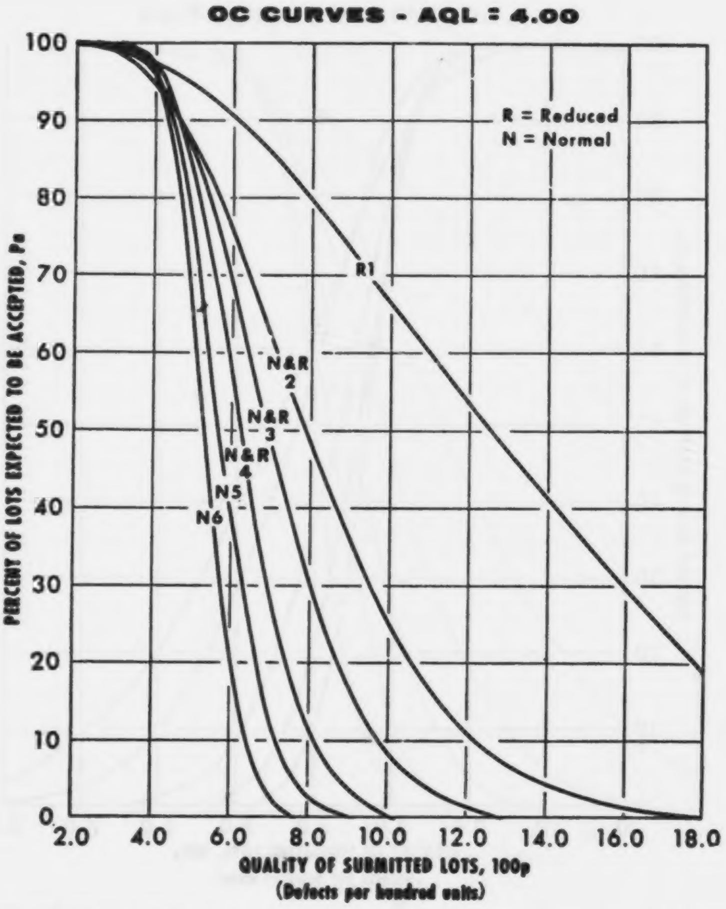


REDUCED AND NORMAL INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=4.00 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=4.00]

Comparable sampling plans	Identification number of OC curves																	
	R1			N and R2			N and R3			N and R4			N5			N6		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	3	4	84	6	7	168	11	12	315	19	20	500	28	29	800	42	43
Double	18 36	1 4	3 5	36 96	0 7	5 8	120 180	6 12	10 13	168 348	7 21	13 22	228 516	8 29	17 30			

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



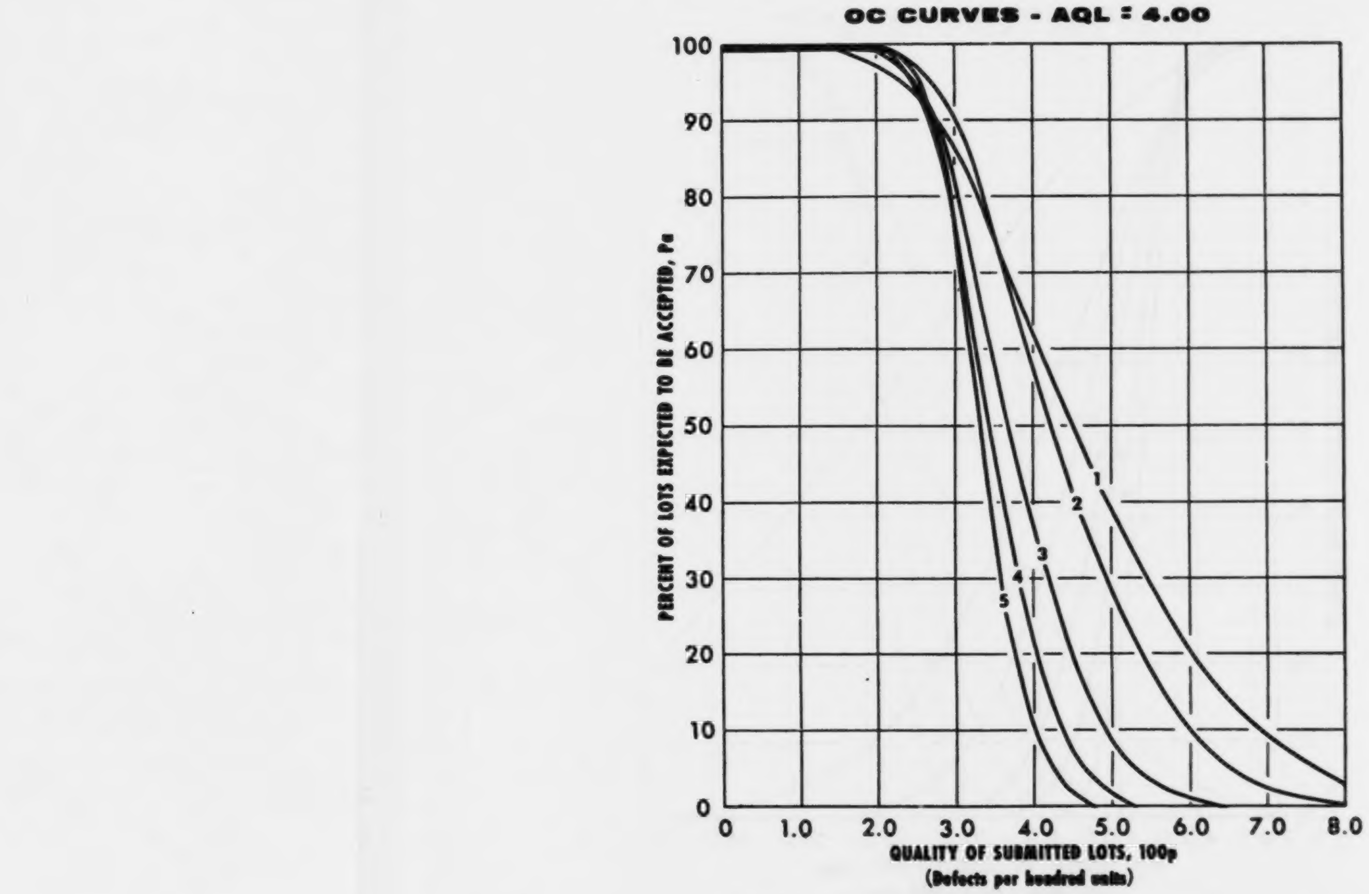
U. S. DEPARTMENT OF AGRICULTURE NEG. CAMS 122-65 (12) AGRICULTURAL MARKETING SERVICE

TIGHTENED INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=4.00 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=4.00]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	7	8	315	13	14	500	18	19	800	27	28	1,250	41	42
Double	120 180	3 8	7 9	168 348	5 14	10 15	228 516	5 19	11 20	456 864	12 29	19 30			

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.


OC CURVES - AQL = 4.00

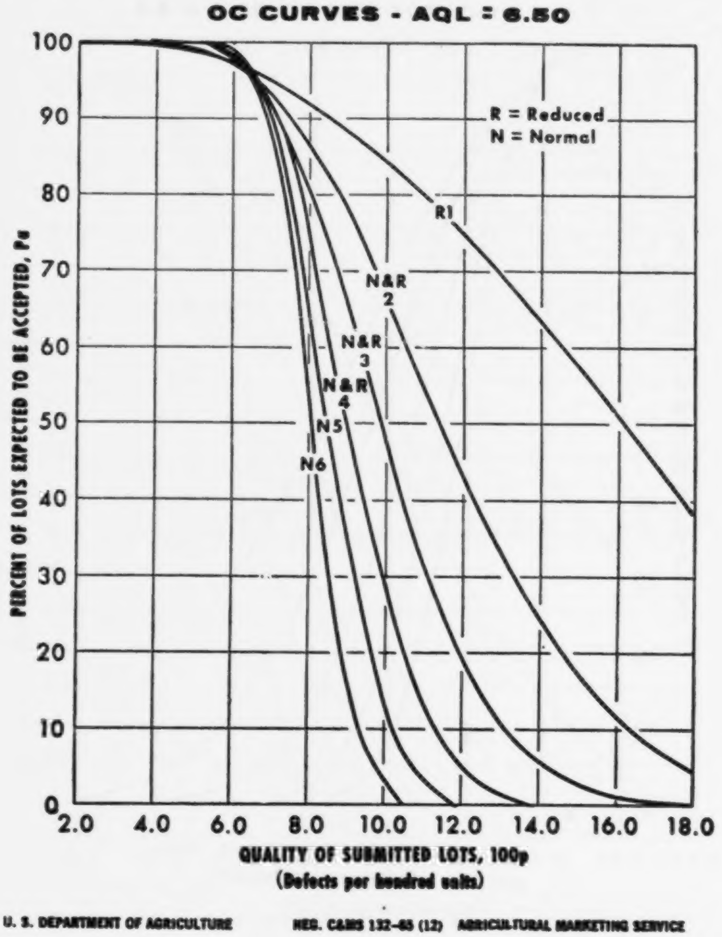
U. S. DEPARTMENT OF AGRICULTURE NEG. CAMS 127-65 (12) AGRICULTURAL MARKETING SERVICE

REDUCED AND NORMAL INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=2.50 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=6.50]

Comparable sampling plans	Identification number of OC curves																	
	R1			N and R2			N and R3			N and R4			N5			N6		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	4	5	84	9	10	168	16	17	315	28	29	500	42	43	800	64	65
Double	18 36	1 5	4 6	36 96	2 10	7 11	120 180	10 17	14 18	168 348	12 31	18 32	228 516	15 43	24 44			

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



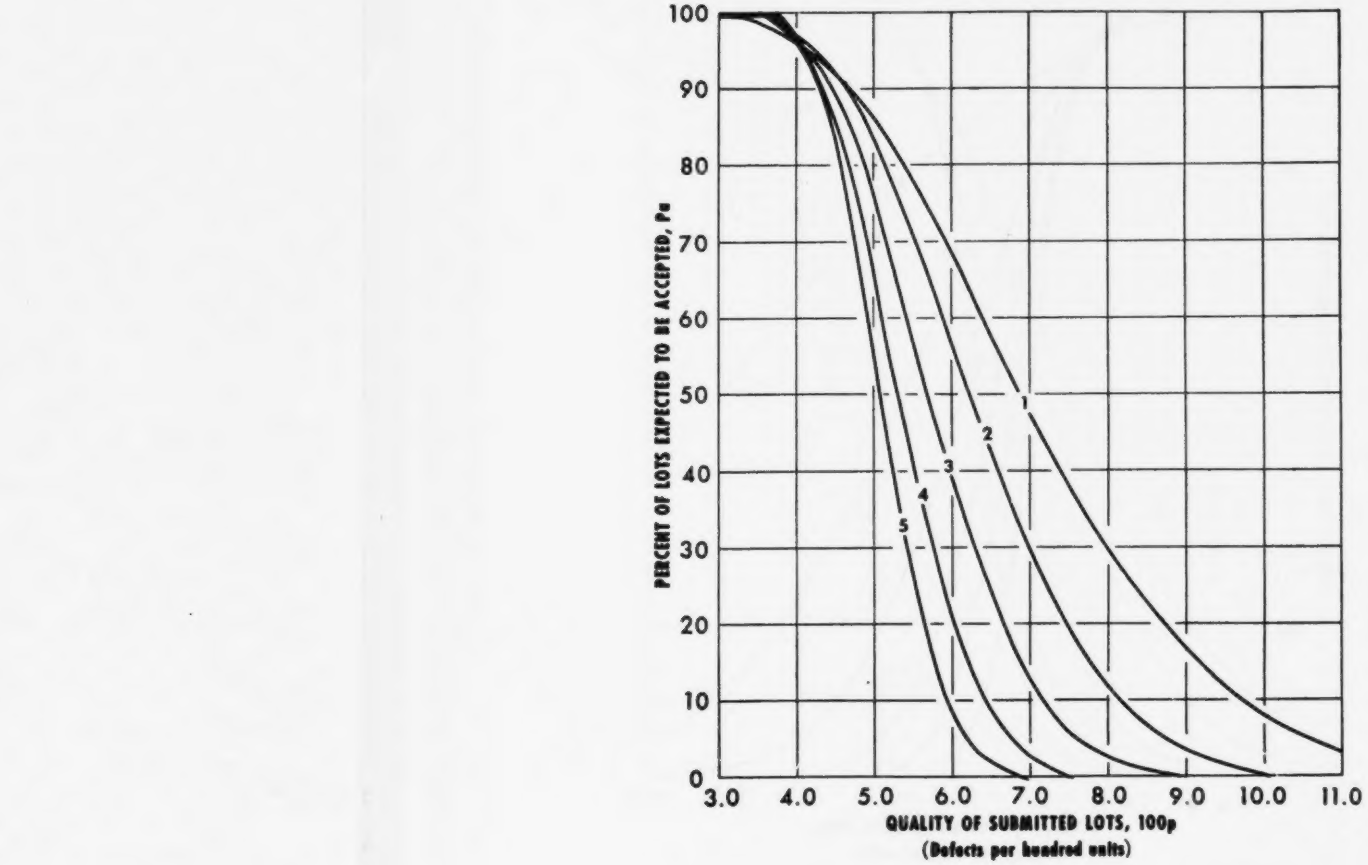
TIGHTENED INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURV
FOR AQL=6.50 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=6.50]

Comparable sampling plans	Identification number of OC curves													
	1			2			3			4			5	
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac
Single	168	11	12	315	19	20	500	28	29	800	42	43	1,250	63
Double	120 180	6 12	10 13	168 348	7 21	13 22	228 516	8 29	17 30	456 864	21 44	28 45	....	....

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.

OC CURVES - AQL = 6.50



U. S. DEPARTMENT OF AGRICULTURE NEG. C&MS 133-65 (12) AGRICULTURAL MARKETING S

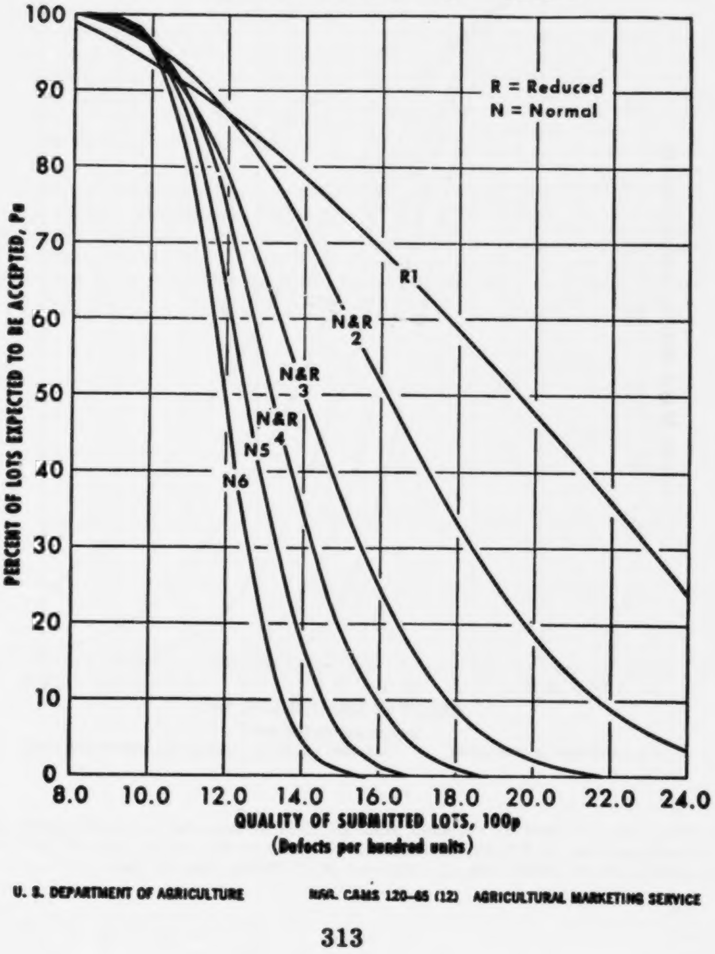
REDUCED AND NORMAL INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL = 10.00 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL = 10.00]

Comparable sampling plans	Identification number of OC curves																	
	R1			N and R2			N and R3			N and R4			N5			N6		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	29	5	6	84	13	14	168	23	24	315	41	42	500	62	63	800	95	96
Double	18 36	2 6	5 7	36 96	3 15	9 16	120 180	14 25	19 26	168 348	19 45	26 46	228 516	23 64	34 65			

n_c = Cumulative sample size. Ac = Acceptance number. Re = Rejection number.

OC CURVES - AQL = 10.00



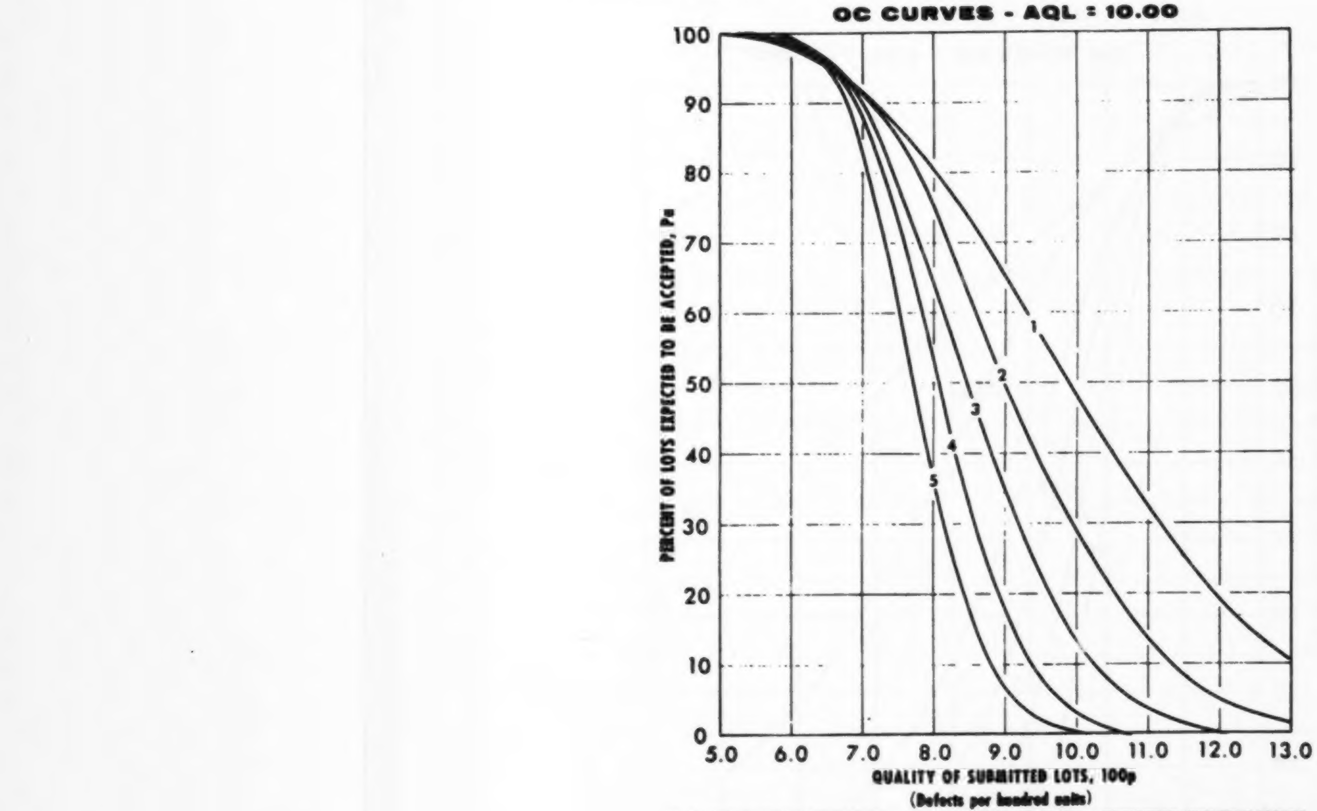
U. S. DEPARTMENT OF AGRICULTURE NEG. CAMS 120-65 (12) AGRICULTURAL MARKETING SERVICE

TIGHTENED INSPECTION PLANS—SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL = 10.00 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL = 10.00]

Comparable sampling plans	Identification number of OC curves														
	1			2			3			4			5		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	168	16	17	315	28	29	500	42	43	800	64	65	1,250	96	97
Double	120 180	10 17	14 18	168 348	12 31	18 32	228 516	15 43	24 44	456 864	32 69	41 70			

n_c = Cumulative sampling size. Ac = Acceptance number. Re = Rejection number.



U. S. DEPARTMENT OF AGRICULTURE NEG. CAMS 123-65 (12) AGRICULTURAL MARKETING SERVICE

[31 FR 4687, Mar. 19, 1966; 31 FR 4949, Mar. 25, 1966, as amended at 36 FR 18457, Sept. 15, 1971. Redesignated at 41 FR 42640, Sept. 28, 1976 and 42 FR 32514, June 27, 1977, further redesignated at 45 FR 69424, Oct. 21, 1980 and 46 FR 63203, Dec. 31, 1981]

§ 42.141 Obtaining Operating Characteristic (OC) curve information for skip lot sampling and inspection.

The Operating Characteristic (OC) curve information (probability of acceptance) for skip lot sampling and inspection procedures described in § 42.121 is easily obtained from the single curve in § 42.142. The procedure for using the curve in § 42.142 is as follows:

(a) Select any sampling plan for normal condition of container inspection from Table I or Table I-A of § 42.109.

(b) For a given Quality of Submitted Lots, 100_p, find the Percent of Lots Expected to be Accepted, Pa from the respective OC curve in § 42.140.

(c) Refer to § 42.142 with this Percent of Lots Expected to be Accepted, Pa, and read the new Percent of Lots Expected to be Accepted, Pas, which results when using these skip lot procedures.

For example, let's assume the lot size is 6,001 to 12,000 containers, and we use the single sampling plan of size 168 for normal inspection (Table I of § 42.109) along with an AQL for total defects of 6.5. The OC curve for this sampling plan is curve N and R3. Also, assume that the quality of the lot is 6.5 defects per hundred units. From curve N and R3, then, the Pa is determined to be 95 percent. Then refer to the graph in § 42.142 and locate Pa of 95 percent along the horizontal axis. From this point, proceed vertically to the curve and then horizontally to the left to the vertical axis. From this point on the vertical axis, Pas is determined to be approximately 98[1] percent for skip lot sampling and inspection.

[41 FR 42641, Sept. 28, 1976. Redesignated at 42 FR 32514, June 27, 1977 and 45 FR 69424, Oct. 21, 1980 and further redesignated at 46 FR 63203, Dec. 31, 1981]

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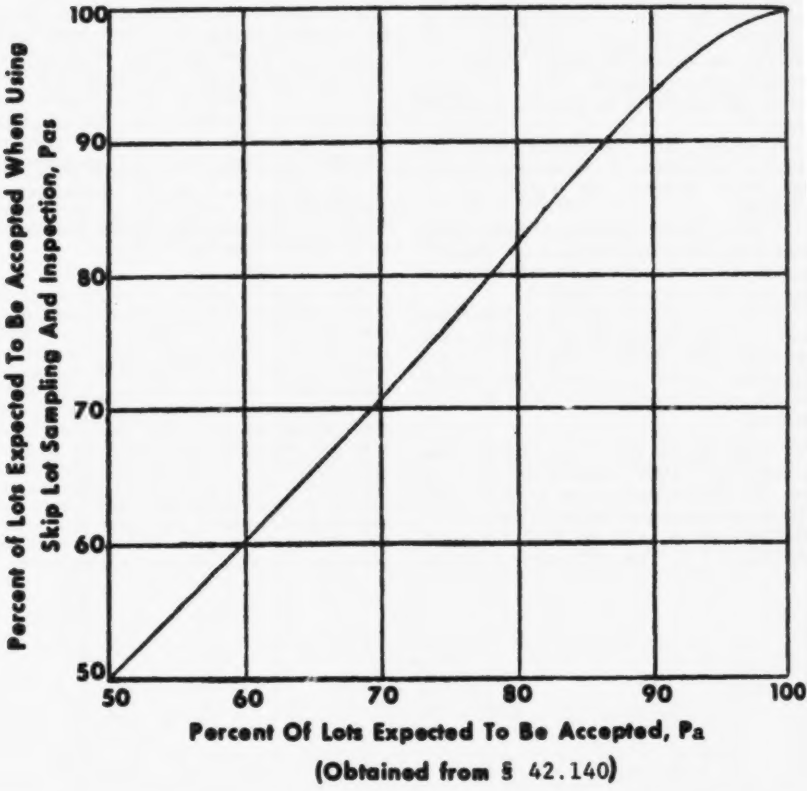
[1] This slight increase of Pas over Pa results because all the lots offered for inspection are no longer being inspected. Some lots are being "skipped", and thereby accepted, which would have been rejected if inspected. The largest increase in Pa which will occur using skip lot sampling is approximately 4 percent. It is for this reason that skip lot sampling procedures are applied only in instances where past production quality has been consistently high—as evidenced by the requirement to have 10 consecutively acceptable lots prior to a reduction in sampling rate—and where all requirements in § 42.120 also have been met.

§ 42.142 Curve for obtaining Operating Characteristic (OC) curve information for sk lot sampling and inspection.



Notes:

1. This curve applies only to the specific skip lot sampling and inspection plan described i § 42.121 and § 42.123.
2. Pa and Pas are essentially equal for values under 50 percent.

[41 FR 42641, Sept. 28, 1976. Redesignated at 42 FR 32514, June 27, 1977 and further redes
ignated at 45 FR 69424, Oct. 21, 1980 and 46 FR 63203, Dec. 31, 1981]

§ 42.143 Operating Characteristic (OC) curves for on-line sampling and inspection.

(a) This section contains the Operating Characteristic (OC) curve for each of the on-line cumulative sum sampling plans provided in Subpart D. The OC curve and the corresponding cumulative sum sampling plans are listed by AQL.

(b) Different plan parameters used to make acceptance and rejection decisions are provided for each AQL.

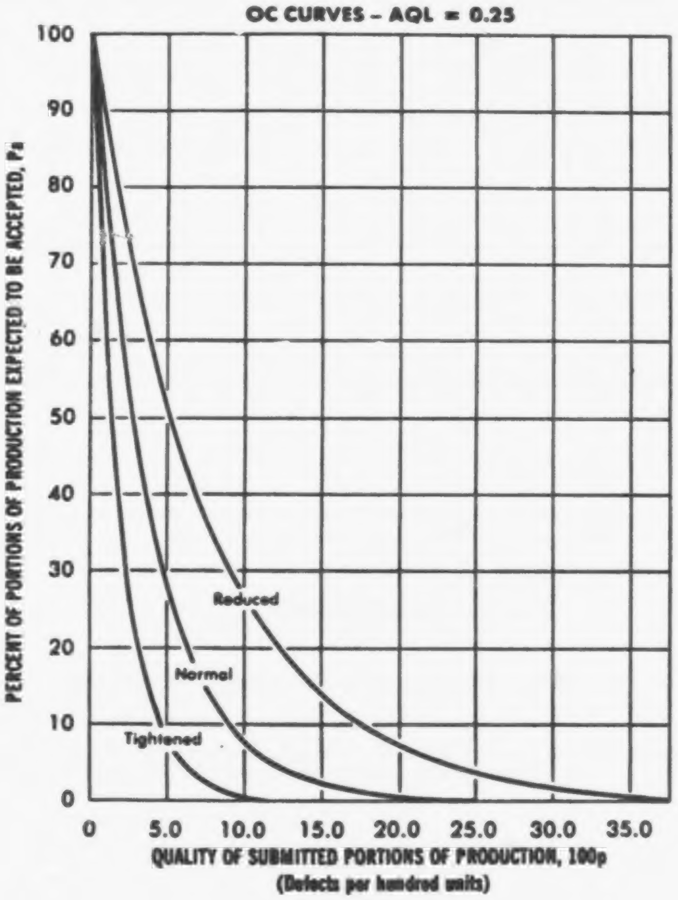
(c) The curves show the ability of the various cumulative sum sampling plans to distinguish between good and bad portions of production. The interpretation of these curves for portions of production is similar to the interpretation of the OC curves for stationary lots as illustrated in § 42.140(c).

REDUCED, NORMAL AND TIGHTENED INSPECTION PLANS—-CUMULATIVE SUM SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.25 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=0.25]

Identification name of OC curves											
Reduced				Normal				Tightened			
n_s	T	L	S	n_s	T	L	S	n_s	T	L	S
13	0	0	0	25	0.05	0.95	0.35	50	0.1	0.9	0.3

n_s=Number of sample units in a subgroup. T=Subgroup tolerance. L=Acceptance limit. S=Starting value.

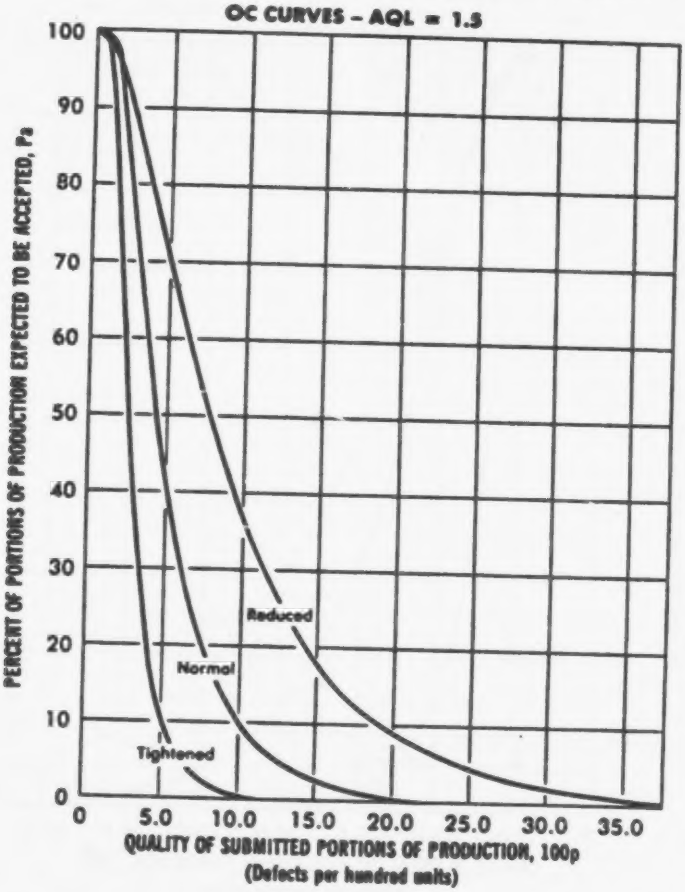


REDUCED, NORMAL, AND TIGHTENED INSPECTION PLANS—CUMULATIVE SUM SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=1.5 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=1.5]

Identification name of OC curves											
Reduced				Normal				Tightened			
n_s	T	L	S	n_s	T	L	S	n_s	T	L	S
13	0.5	0.5	0	25	0.5	2	1	50	0.8	1.6	0.4

n_s=Number of sample units in a subgroup. T=Subgroup tolerance. L=Acceptance limit. S=Starting value.

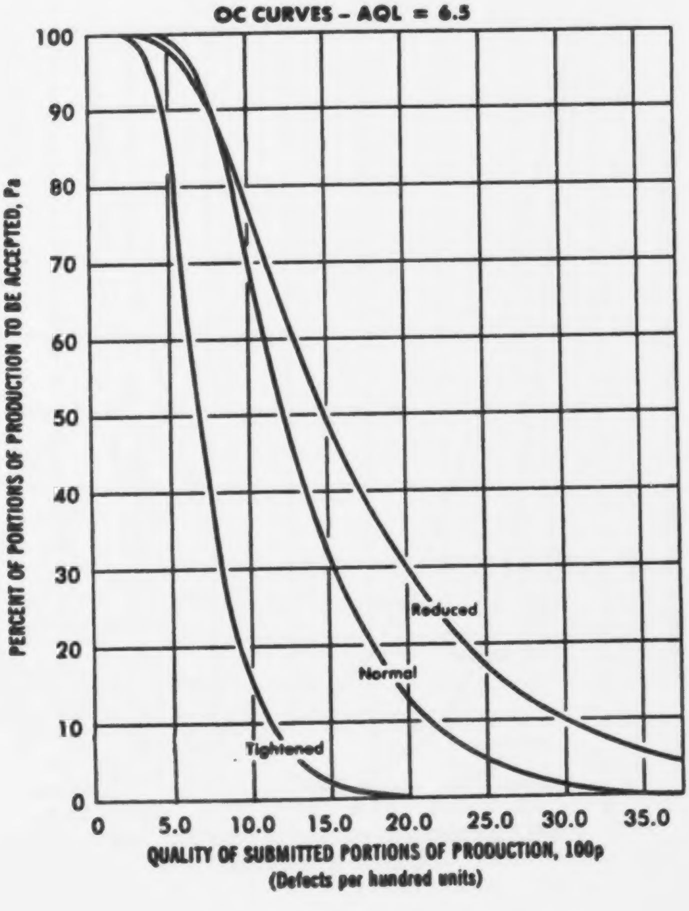


REDUCED, NORMAL, AND TIGHTENED INSPECTION PLANS—CUMULATIVE SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=6.5 DEFECTS PER HUNDRED UNITS

[Sampling Plans—AQL=6.5]

Identification name of OC curves											
Reduced				Normal				Tightened			
n_s	T	L	S	n_s	T	L	S	n_s	T	L	S
13	1	2	1	25	2	3	1	50	2.5	3	1

n_s=Number of sample units in a subgroup. T=Subgroup tolerance. L=Acceptance limit. S=Starting value.



[45 FR 69424; Oct. 21, 1980. Redesignated at 46 FR 63203, Dec. 31, 1981]

PART 43—STANDARDS FOR SAMPLING PLANS

DEFINITIONS

Sec.
43.101 Meaning of words.
43.102 Definitions.

SAMPLING PLANS

43.103 Purpose and scope.
43.104 Master table of single and double sampling plans.
43.105 Operating characteristics (OC) curves.
43.106 Choosing AQL's and sampling plans.

AUTHORITY: Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624.

SOURCE: 29 FR 5870, May 5, 1964. Redesignated at 42 FR 32514, June 27, 1977 and 46 FR 63203, Dec. 31, 1981, unless otherwise noted.

DEFINITIONS

§ 43.101 Meaning of words.

Words used in this subpart in the singular form shall be considered to impart the plural, or vice versa, as the case may demand.

§ 43.102 Definitions.

Statistical and inspection or sampling terms and their respective definitions that are used in the sampling plans and operating characteristic curves of which are pertinent to the understanding of inspection by attributes follow:

Acceptable quality level (AQL). The AQL is expressed in terms of percent defective or defects per 100 units. Lots having a quality level equal to a specified AQL will be accepted approximately 95 percent of the time when using the sampling plans prescribed for that AQL.

Acceptance number (Ac). The number in a sampling plan that indicates the maximum number of defects or defectives permitted in a sample in order to consider a lot as meeting a specific requirement.

Acceptance sampling. The art or science that deals with procedures in which decisions to accept or reject lots or processes are based on the examination of samples.

Attributes. Refers to the measurement of a given factor noting and recording the presence or absence of some characteristic (attribute) in each of the units in the group under consideration.

Consumer's risk. The risk a consumer takes that a lot will be accepted by a sampling plan even though the lot does not conform to requirements. In the standards of this subpart this risk is nominally set at ten percent.

Consumer protection. The ability of a sampling plan to reject unacceptable supplies. This is measured as the complement of the probability of acceptance (Pa) for the Limited Quality (LQ) lots. The consumer protection is 90 percent in these standards.

Defect. A failure to meet a requirement imposed on a unit with respect to a single quality characteristic. A unit may contain more than one defect.

Defective. A defective unit; one containing one or more defects with respect to the quality characteristic(s) under consideration.

Inspection. The examination (including testing) of supplies (including, when appropriate, raw materials, components and intermediate assemblies).

(a) *Acceptance inspection.* An inspection to determine conformance of supplies to specified requirements in order to accept or reject the supplies.

(b) *Estimation inspection.* In dealing with attributes, an inspection to determine the amount of the supplies conforming to a specified requirement—usually expressed as a percentage.

Inspection by attributes. Inspection whereby either the sample unit is classified as defective or non-defective with respect to a requirement or set of requirements (when on a "defective" basis); or, inspection whereby the number of defects in each sample unit is counted with respect to a requirement or set of requirements (when on a "defect" basis).

Limiting quality (LQ). The LQ is expressed in terms of percent defective or defects per 100 units. Lots inspected under the standards of this subpart that have a ten percent probability of acceptance are referred to as a lot having a quality level equal to LQ.

Lot. A collection of units of the same size, type and style which has been manufactured or processed under essentially the same conditions. The term shall mean "inspection lot," i.e., a collection of units of product from which a sample is to be drawn and inspected to determine conformance with the acceptability criteria. An inspection lot may differ from a collection of units designated as a lot for other purposes (e.g., production lot, shipping lot, etc.).

Lot size. The number of units in the lot.

Operating characteristic curve (*OC curve*). A curve that gives the probability of acceptance as a function of a specific lot quality level.

Probability of acceptance (*Pa*). For a given sampling plan and a given quality of inspection lots, is that percentage of inspection lots expected to be accepted.

Process capability. Performance of a process under normal operating conditions. The performance is measured with respect to specific characteristics.

Producer's risk. The risk that a producer takes that a lot will be rejected by a sampling plan even though the lot conforms to requirements. In the standards of this subpart this risk is nominally set at five percent.

Random sampling. A process of selecting a sample from a lot whereby each unit in the lot has an equal chance of being chosen. Ordinary haphazard choice is generally insufficient to guarantee randomness. Devices such as tables of random numbers are used to remove subjective biases inherent in personal choice.

Rejection number (*Re*). The number in a sampling plan that indicates the minimum number of defects or defectives permitted in a sample that will cause a lot to fail a specific requirement.

Sample. Any number of sample units which are to be used for inspection.

Sample size. The number of sample units which are to be included in the sample.

Sample unit. A container, the entire contents of a container, a portion of the contents of a container, a composite mixture of a product, or any other unit of container or commodity to be used for inspection.

Sampling. The act of drawing or selecting sample units from a given lot.

Sampling plan. A specific plan which states the sample size(s), acceptance number(s) and rejection number(s). In the standards of this subpart two types of sampling plans are provided:

(a) *Single sampling plan.* A sampling inspection scheme in which a decision to accept or reject an inspection lot is based on the inspection of a single sample. A single sampling plan consists of a single sample size with associated acceptance and rejection number(s).

(b) *Double sampling plan.* A sampling inspection scheme which involves use of two independently drawn but related samples, a first sample (n_1) and a second sample which is added to the first to form a total sample size (n_t). A double sampling plan consists of a first and total sample size with associated acceptance and rejection number(s). Inspection of the first sample leads to a decision to accept, to reject, or to take a second sample and the examination of a second sample, when required, always leads to a decision to accept or reject.

SAMPLING PLANS

§ 43.103 Purpose and scope.

(a) This subpart contains selected single and double sampling plans for inspection by attributes. They are to serve as a source of plans for developing sound specifications, standards, or sampling and inspection procedures.

(b) The sampling plans of this subpart and corresponding operating characteristic curves are indexed by acceptable quality level, AQL. The AQL's expressed in percent defectives or defects per hundred units are:

0.065	0.40	2.5	8.5
0.10	0.65	4.0	10.0
0.15	1.0	5.0	12.5
0.25	1.5	6.5	15.0

§ 43.104 Master table of single and double sampling plans.

(a) In the master table, a sampling plan is selected by first determining the sample size or sizes and AQL to be used. Then find the applicable acceptance (Ac) and rejection (Re) numbers at the intersection of the sample size(s) row and AQL column. These numbers together with the sample size or sizes constitute a sampling plan.

(b) Single sampling plans having a sample size of 66 or greater and an acceptance number of 1 are not included in the Master Table. These plans are listed in the tables which supplement the Master Table and accompany the OC curves as indexes to the comparable double sampling plans. The use of these single sampling plans do not facilitate the practice of using two or more AQL's simultaneously with the same sample size.

§ 43.105 Operating characteristics (OC) curves.

The OC curves shows the ability of the various sampling plans, presented for each AQL, to distinguish between lots of different quality.

§ 43.106 Choosing AQL's and sampling plans.

(a) The selection of AQL's and sampling plans for given lot sizes depends on too many factors to permit the issuance of a "pre-selected" standard set of plans for specified lot sizes. Each user of the standards of this subpart should select AQL's and sampling plans that are tailored to best meet his needs.

(b) Some of the factors that must be considered prior to selecting the AQL's are:

(1) Class of defects such as major and minor: Major defects would generally require lower AQL's than those for minor defects;

(2) Process capabilities under good commercial practice with respect to the defects in question: For example, if under normal production processes, the defect level cannot be kept below 2.0 percent defective, the selection of an AQL of 0.15 percent defective, although desirable for the defects in question, may not be practical;

(3) Consumer preferences: These may require higher AQL's or permit lower AQL's than process capabilities would indicate; and

(4) Time and cost required to sample and inspect a lot under various AQL's: The smaller the AQL the more time and cost of inspection.

(c) Some of the factors that may be considered prior to selecting the sampling plans for given lot sizes are:

(1) The applicable AQL(s): The AQL dictates, among other things, the smallest sample size that can be used and the size of the "jumps" from one sample size to the next larger one;

(2) The relative ability of the plans to discriminate between "good" and "bad" lots: Although several plans in these standards have the same AQL, they differ in their ability to reject lots worse than the AQL's. The OC curve in the standards of this subpart provide the basis for determining the discriminating ability of each plan;

(3) The amount, time, and cost of sampling required;

(4) The size and value of the lots relative to the producer and consumer protection a sampling plan affords: One may be willing to take larger risks of passing "bad" lots that are small or of lesser value than they would for larger more valuable lots;

(5) The knowledge about the lot(s) to be submitted for inspection: Lots consisting of product produced under essentially the same conditions may require smaller sample sizes than those consisting of product produced by different shifts and different raw stock for example; and

(6) The record of the quality level of previously submitted lots: The sample size can be smaller for lots submitted from a supplier with a consistent record of quality levels significantly better than the specified AQL(s) than sample sizes for the supplier whose records show considerable variability in quality, "borderline" supplies or product worse than the AQL.

MASTER TABLE OF SINGLE AND DOUBLE SAMPLING PLANS [1]

Sample size code letter	Sample size	Acceptable quality levels															
		0.065	0.10	0.15	0.25	0.40	0.65	1.0	1.5	2.5	4.0	5.0	6.5	8.5	10.0	12.5	15.0
		Ac Re	Ac Re	Ac Re	Ac Re	Ac Re	Ac Re	Ac Re	Ac Re	Ac Re	Ac Re	Ac Re	Ac Re	Ac Re	Ac Re	Ac Re	Ac Re
AA	$n_1 = 1$																0 1
A	$n_1 = 2$														0 1		
B	$n_1 = 3$												0 1			0 3	1 2
	$n_t = 8$															2 3	
C	$n_1 = 4$											0 1			1 2		
D	$n_1 = 5$										0 1			1 2			
E	$n_1 = 6$												1 2				2 3
EE	$n_1 = 7$															2 3	
F	$n_1 = 9$									0 1		1 2			2 3		3 4
G	$n_1 = 11$										1 2			2 3		3 4	
H	$n_1 = 13$								0 1				2 3		3 4		4 5
J	$n_1 = 21$							0 1	0 2	0 2	2 3	1 4	3 4	3 5	4 5	5 6	6 7
	$n_t = 31$								1 2	2 3		3 4		5 6			
K	$n_1 = 29$						0 1	0 2	1 2	2 3	1 4	3 4	4 5	3 7	5 6	6 7	7 8
	$n_t = 65$							1 2			6 7			9 10			
L	$n_1 = 48$					0 1	0 2	1 2	2 3	3 4	4 5	5 6	6 7	7 8	8 9	10 11	11 12
	$n_t = 72$						1 2										
M	$n_1 = 84$				0 1	0 2	0 3	2 3	3 4	4 5	6 7	7 8	9 10	11 12	13 14	15 16	18 19
	$n_t = 120$					1 2											
	$n_t = 132$						2 3										
N	$n_1 = 126$			0 1	0 2	0 3	2 3	3 4	4 5	6 7	9 10	10 11	13 14	16 17	18 19	22 23	26 27
	$n_t = 180$				1 2												
	$n_t = 210$					2 3											
P	$n_1 = 200$		0 1	0 2	0 3	2 3	3 4	4 5	6 7	9 10	13 14	15 16	19 20	24 25	27 28	33 34	39 40
	$n_t = 284$			1 2													
	$n_t = 326$				2 3												
Q	$n_1 = 315$	0 1	0 2	0	2 3	3 4	4 5	6 7	8 9	13 14	19 20	22 23	28 29	35 36	41 42	50 51	59 60
	$n_t = 435$		1 2														
	$n_t = 519$			2 3													
R	$n_1 = 500$	0 2	0 3	2 3	3 4	4 5	6 7	9 10	12 13	18 19	28 29	33 34	42 43	53 54	62 63	76 77	90 91
	$n_t = 644$	1 2															
	$n_t = 836$		2 3														
S	$n_1 = 800$	0 3	2 3	3 4	4 5	6 7	9 10	13 14	18 19	27 28	42 43	50 51	64 65	82 83	95 96	117 118	140 141
	$n_t = 1304$	2 3															
T	$n_1 = 1250$	2 3	3 4	4 5	6 7	9 10	13 14	19 20	26 27	41 42	63 64	76 77					
U	$n_1 = 2000$	3 4	4 5	6 7	9 10	13 14	19 20	28 29	39 40	62 63	96 97						

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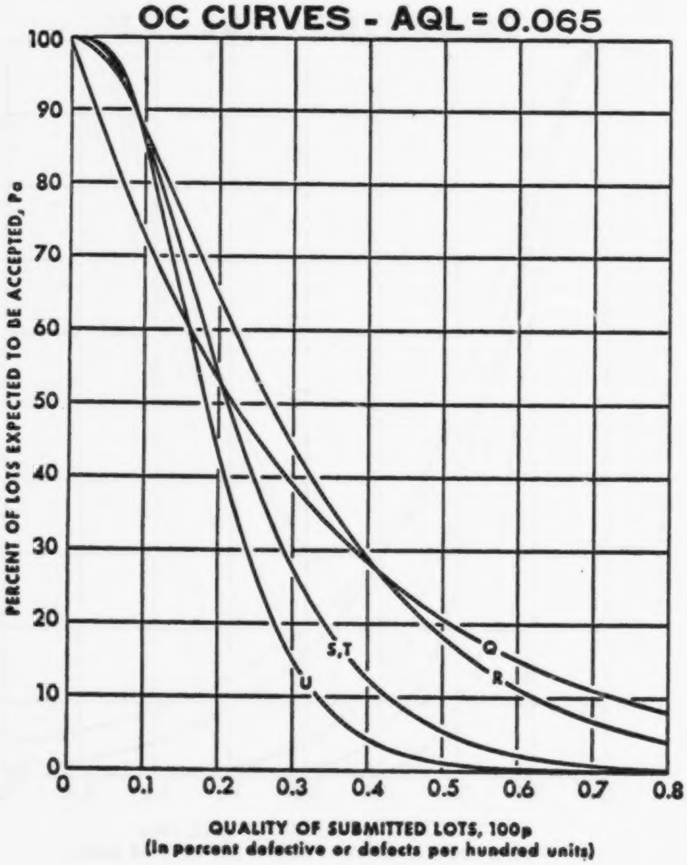
[1] Double plans are indicated by 2 sample sizes, n_1 (first) and n_t (total). Ac = Acceptance number Re = Rejection number.

SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.065 PERCENT DEFECTIVE (OR AQL=0.065 DEFECTS PER HUNDRED UNITS)

[Sampling plans—AQL=0.065]

Comparable sampling plans	Identification letter of OC curve											
	Q			R			S, T			U		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	315	0	1	624	1	2	1250	2	3	2,000	3	
Double				500	0	2	800	0	3			
				644	1	2	1304	2	3			

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.

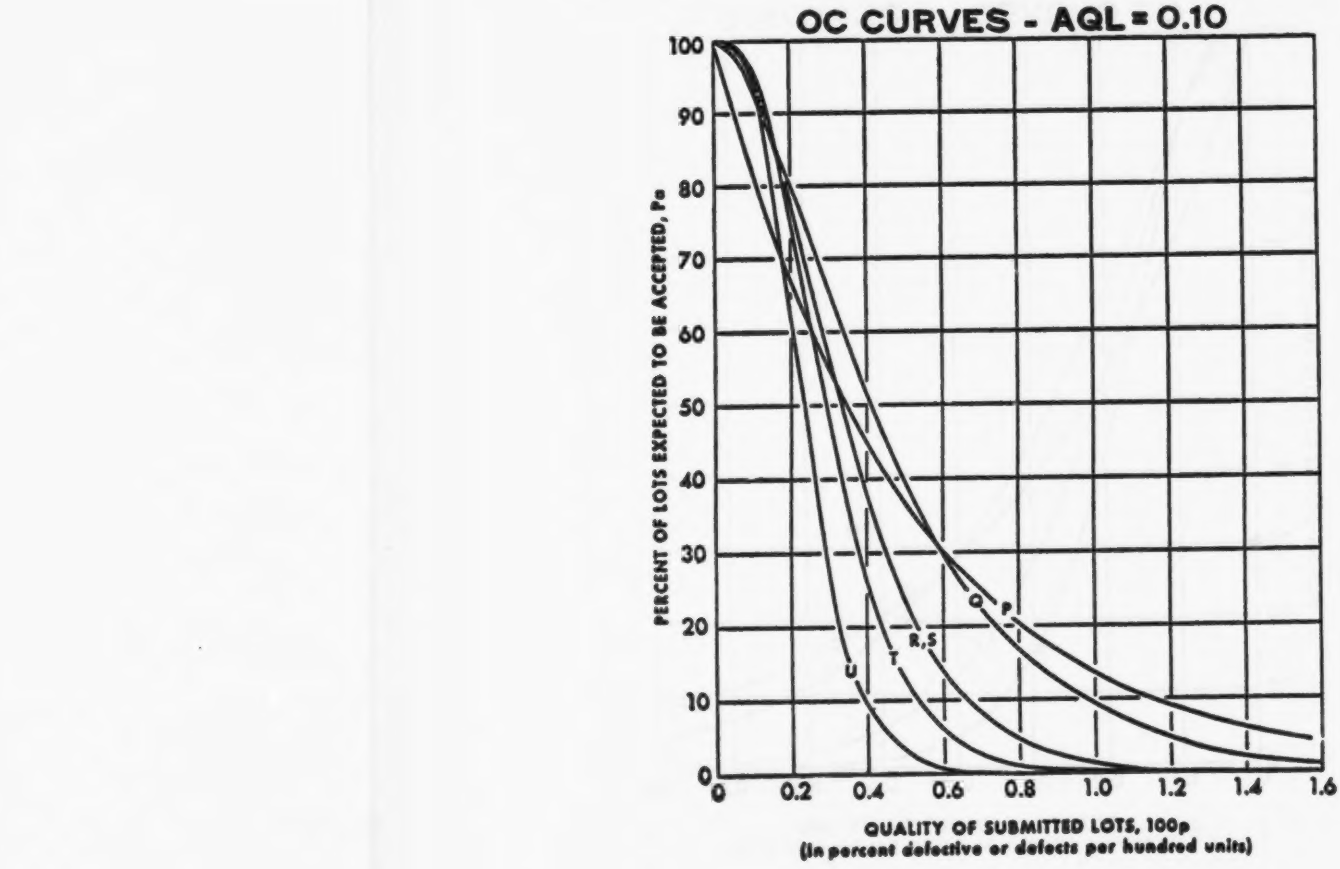


SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.10 PERCENT DEFECTIVE (OR AQL=0.10 DEFECTS PER HUNDRED UNITS)

[Sampling plans—AQL=0.10]

Comparable sampling plans	Identification letter of OC curve														
	P			Q			R, S			T			U		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	200	0	1	408	1	2	800	2	3	1,250	3	4	2,000	4	
Double				315 435	0 1	2 2	500 836	0 2	3 3						

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.

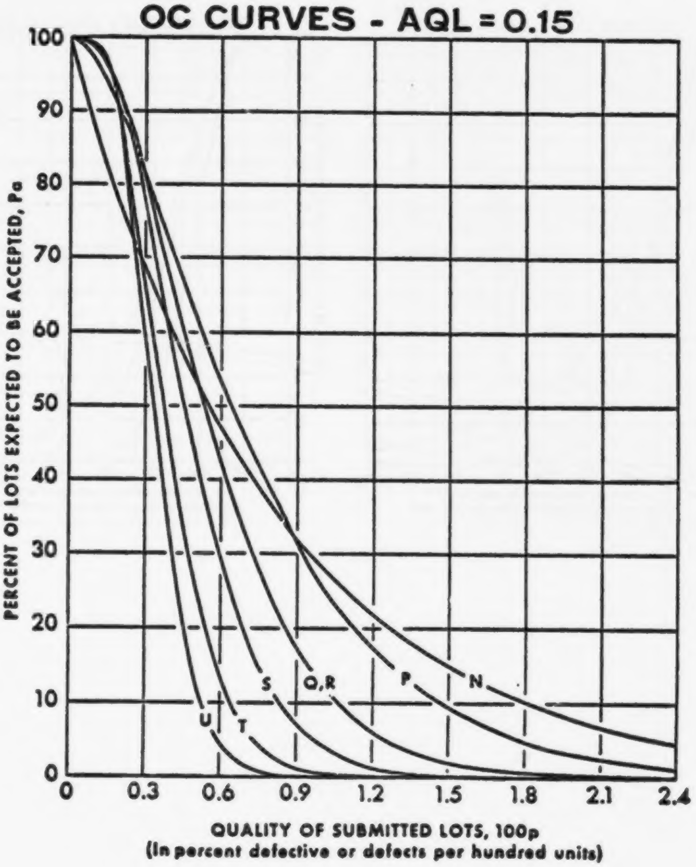


SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.15 PERCENT DEFECTIVE (OR AQL=0.15 DEFECTS PER HUNDRED UNITS)

[Sampling plans—AQL=0.15]

Comparable sampling plans	Identification letter of OC curve																	
	N			P			Q			R, S			T			U		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	126	0	1	264	1	2	500	2	3	800	3	4	1,250	4	5	2,000	6	7
Double				200 284	0 1	2 2	315 519	0 2	3 3									

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.

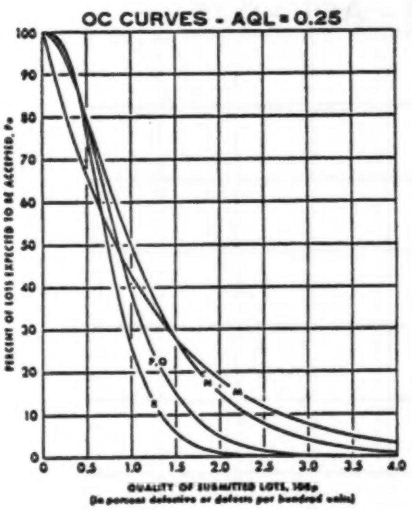


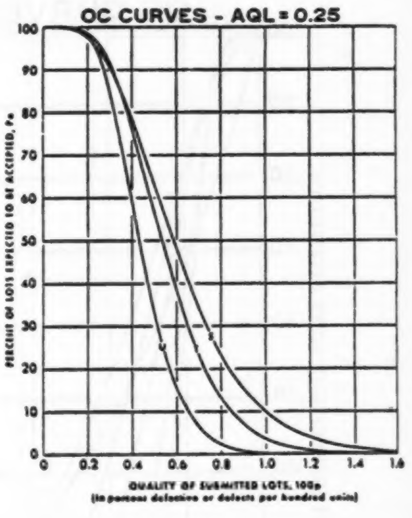
SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.25 DEFECTS PER HUNDRED UNITS

[Sampling plans—AQL=0.25]

Comparable sampling plans	Identification letter of OC curve																				
	M			N			P, Q			R			S			T			U		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	84	0	1	168	1	2	315	2	3	500	3	4	800	4	5	1250	6	7	2000	9	10
Double				126 180	0 1	2 2	200 326	0 2	3 3												

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



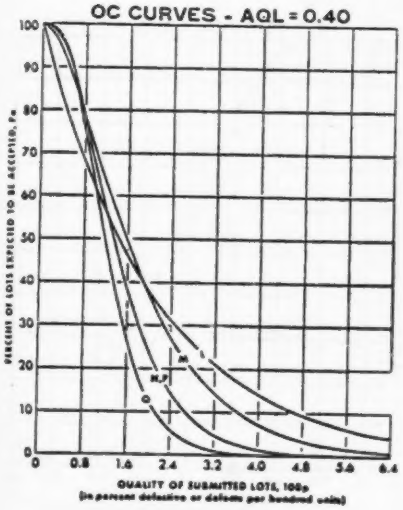


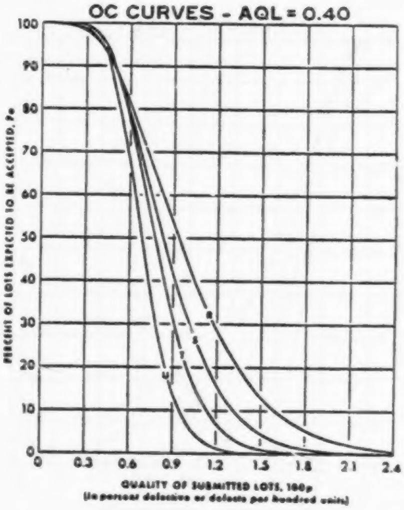
SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.40 PERCENT DEFECTIVE (OR AQL=0.40 DEFECTS PER HUNDRED UNITS)

[Sampling plans—AQL=0.40]

Comparable sampling plans	Identification letter of OC curve																							
	L			M			N, P			Q			R			S			T			U		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	48	0	1	108	1	2	200	2	3	315	3	4	500	4	5	800	6	7	1250	9	10	2000	13	10
Double	......	......	......	84	0	2	126	0	3	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......
	......	......	......	120	1	2	210	2	3	......	......	......	......	......	......	......	......	......	......	......	......	......	......	......

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.



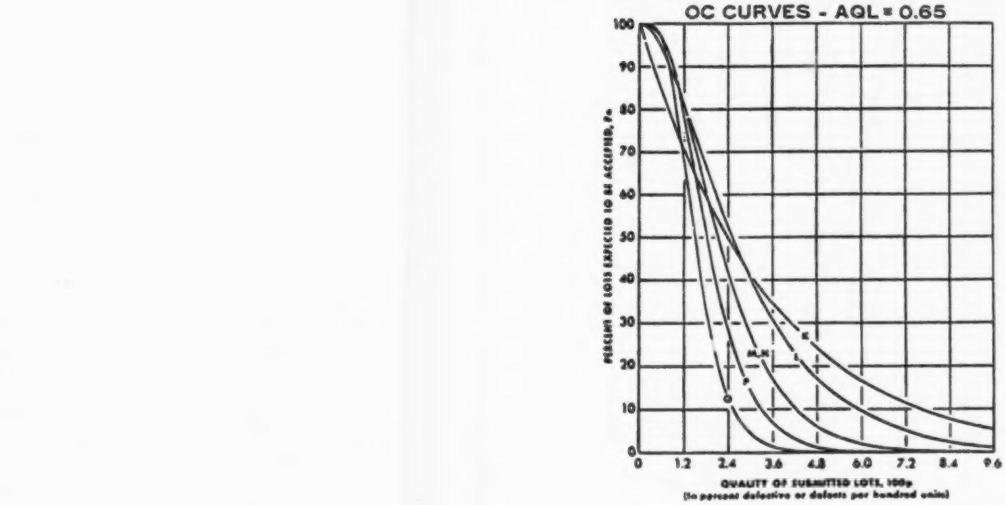


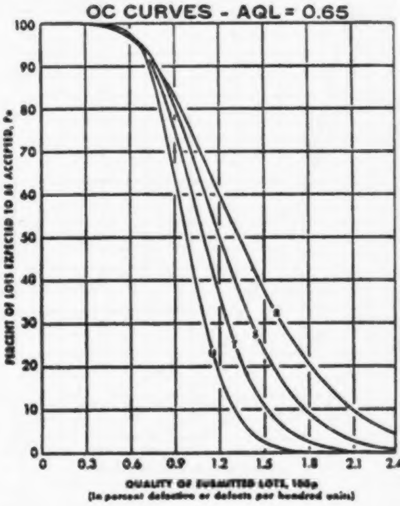
SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=0.65 PERCENT DEFECTIVE (OR AQL=0.65 DEFECTS PER HUNDRED UNITS)

[Sampling plans—AQL=0.65]

Comparable sampling plans	Identification letter of OC curve																										
	K			L			M, N			P			Q			R			S			T			U		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	R
Single	29	0	1	66	1	2	126	2	3	200	3	4	315	4	5	500	6	7	800	9	10	1250	13	14	2000	19	2
Double	.....	.....	.....	48 72	0 1	2 2	84 132	0 2	3 3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.





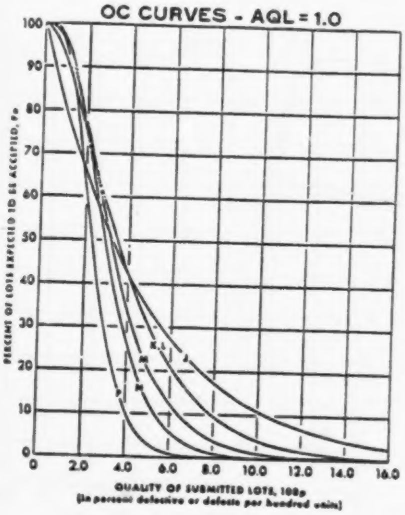
SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL = 1.0 PERCENT DEFECTIVE (OR AQL = 1.0 DEFECTS PER HUNDRED UNITS)

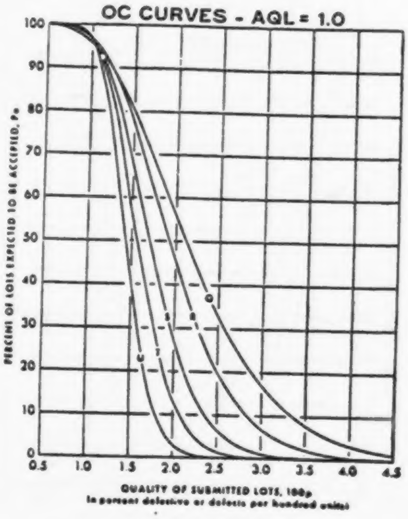
[Sampling plans—AQL = 1.0]

Comparable sampling plans	Identification letter of OC curve														
	J			K, L			M			N			P		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	21	0	1	48	1	2	84	2	3	126	3	4	200	4	5
Double				29	0	2									
				85	1	2									

	Q			R			S			T			U		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	315	6	7	500	9	10	800	13	14	1250	19	20	2000	28	29

n_c = Cumulative sample size. Ac = Acceptance number. Re = Rejection number.





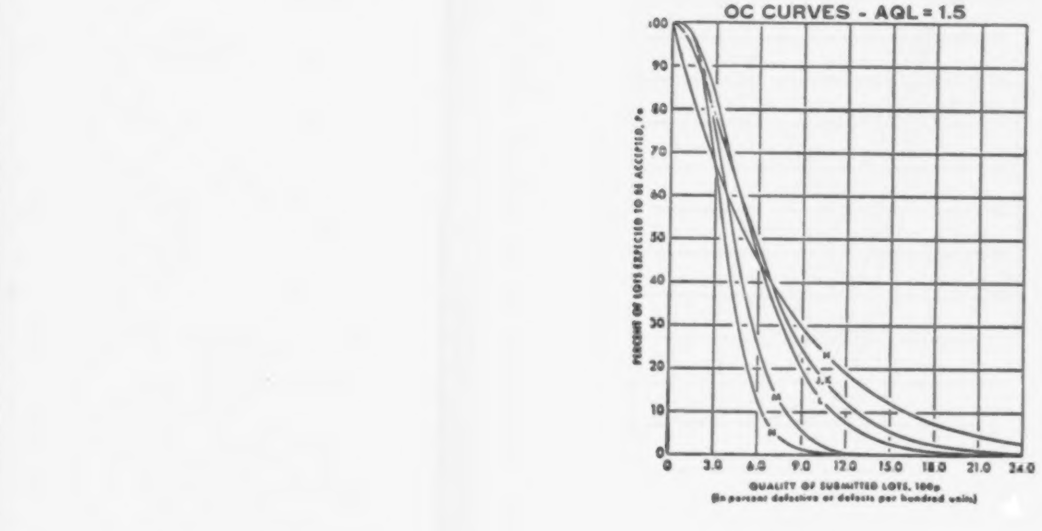
SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL = 1.5 PERCENT DEFECTIVE (OR AQL = 1.5 DEFECTS PER HUNDRED UNITS)

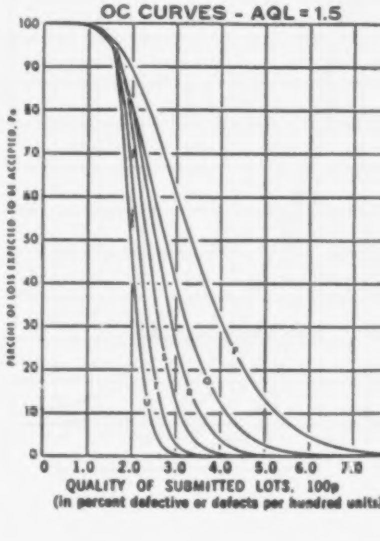
[Sampling plans—AQL = 1.5]

Comparable sampling plans	Identification letter of OC curve																
	H			J, K			L			M			N			P	
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac
Single	13	0	1	29	1	2	48	2	3	84	3	4	126	4	5	200	6
Double				21 31	0 1	2 2											

	Q			R			S			T			U	
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac
Single	315	8	9	500	12	13	800	18	19	1,250	26	27	2,000	39

n_c = Cumulative sample size. Ac = Acceptance number. Re = Rejection number.





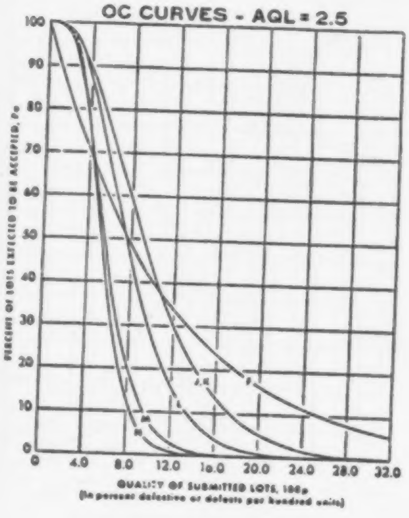
SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL = 2.5 PERCENT DEFECTIVE (OR AQL = 2.5 DEFECTS PER HUNDRED UNITS)

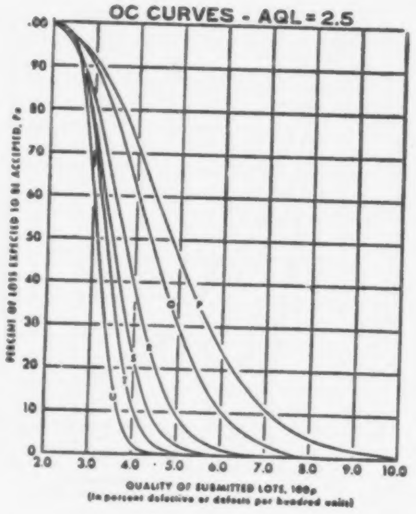
[Sampling plans—AQL = 2.5]

Comparable sampling plans	Identification letter of OC curve																	
	F			J, K			L			M			N			P		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	9	0	1	29	2	3	48	3	4	84	4	5	126	6	7	200	9	10
Double				21 31	0 2	2 3												

	Q			R			S			T			U		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	315	13	14	500	18	19	800	27	28	1,250	41	42	2,000	62	63

n_c = Cumulative sample size. Ac = Acceptance number. Re = Rejection number.





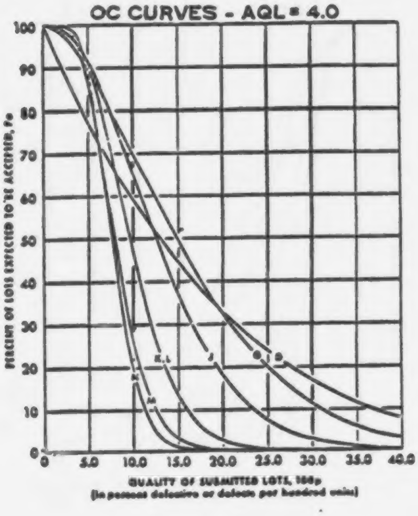
SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=4.0 PERCENT DEFECTIVE (OR AQL=4.0 DEFECTS PER HUNDRED UNITS)

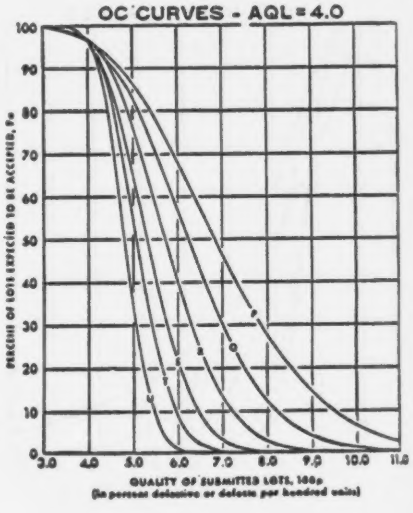
[Sampling plans—AQL=4.0]

Comparable sampling plans	Identification letter of OC curve																	
	D			G			J			K L			M			N		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	5	0	1	11	1	2	21	2	3	48	4	5	84	6	7	126	9	10
Double	......	......	......	......	......	......	......	......	......	29	1	4	......	......	......	......	......	......
	......	......	......	......	......	......	......	......	......	65	6	7	......	......	......	......	......	......

	P			Q			R			S			T			U		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	200	13	14	315	19	20	500	28	29	800	42	43	1250	63	64	2000	96	......

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.





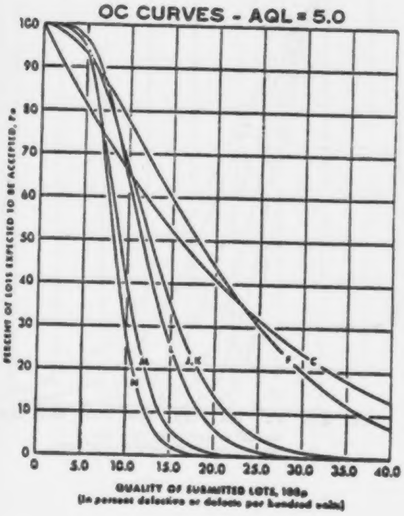
SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=5.0 PERCENT DEFECTIVE (OR AQL=5.0 DEFECTS PER HUNDRED UNITS)

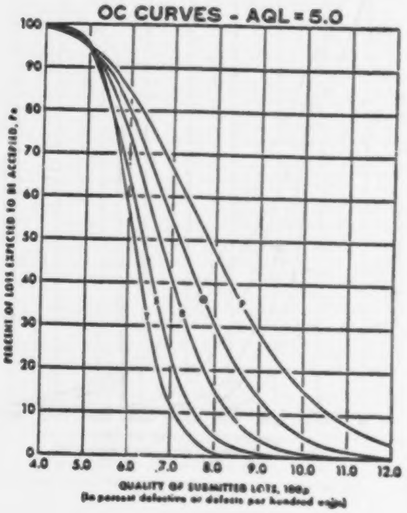
[Sampling plans—AQL=5.0]

Comparable sampling plans	Identification letter of OC curve																	
	C			F			J, K			L			M			N		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	4	0	1	1	1	2	29	3	4	48	5	6	84	7	8	126	10	11
Double							21 31	1 3	4 4									

	P			Q			R			S			T		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	200	15	16	315	22	23	500	33	34	800	50	51	1250	76	77

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.





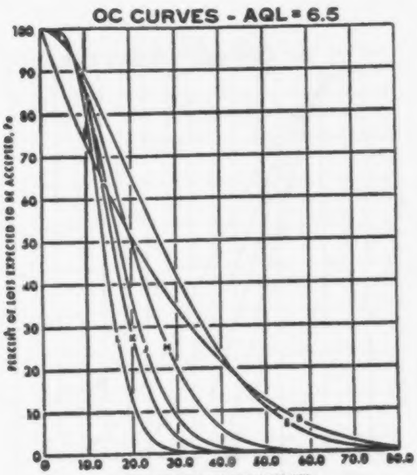
SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=6.5 PERCENT DEFECTIVE (OR AQL=6.5 DEFECTS PER HUNDRED UNITS)

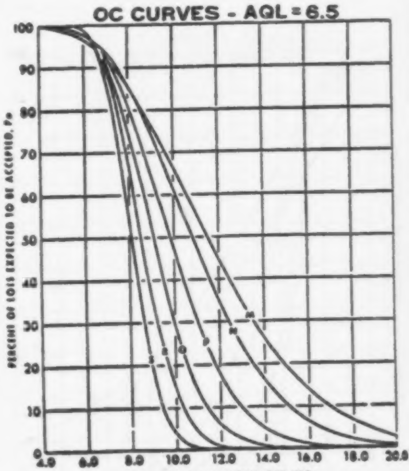
[Sampling plans—AQL=6.5]

Comparable sampling plans	Identification letter of OC curve																	
	B			E			H			J			K			L		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	3	0	1	6	1	2	13	2	3	21	3	4	29	4	5	48	6	7

	M			N			P			Q			R			S		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	84	9	10	126	13	14	200	19	20	315	28	29	500	42	43	800	64	65

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.





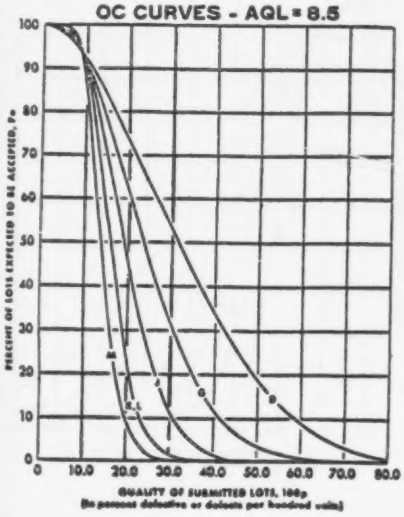
SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL = 8.5 PERCENT DEFECTIVE (OR AQL = 8.5 DEFECTS PER HUNDRED UNITS)

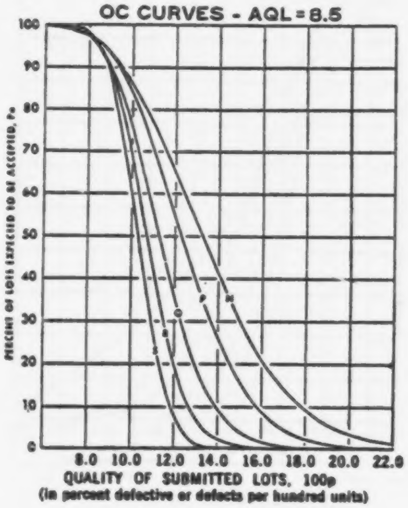
[Sampling plans—AQL = 8.5]

Comparable sampling plans	Identification letter of OC curve														
	D			G			J			K, L			M		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	5	1	2	11	2	3	24	4	5	48	7	8	84	11	1
Double							21 31	3 5	5 6	29 65	3 9	7 10			

	N			P			Q			R			S		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	126	16	17	200	24	25	315	35	36	500	53	54	800	82	83

n_c = Cumulative sample size. Ac = Acceptance number. Re = Rejection number.





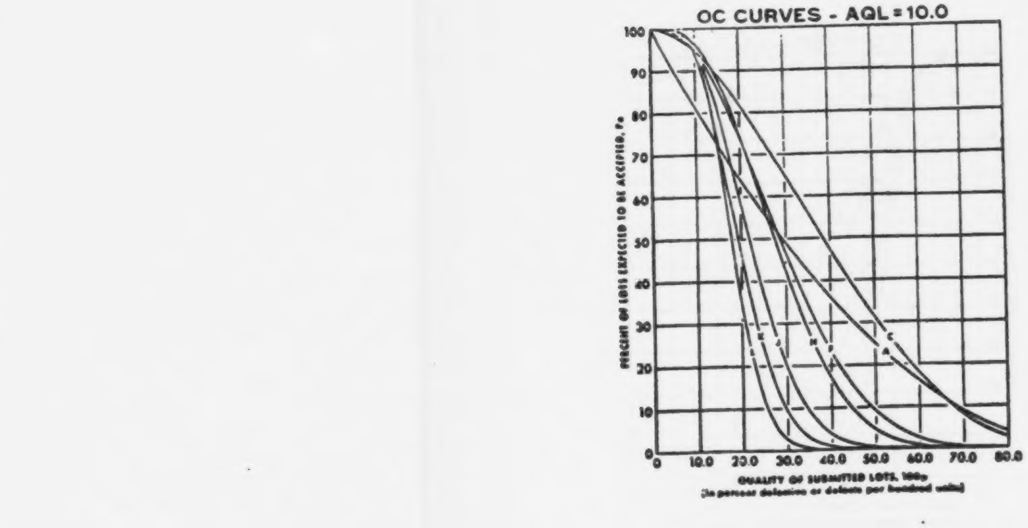
SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=10.0 PERCENT DEFECTIVE (OR AQL=10.0 DEFECTS PER HUNDRED UNITS)

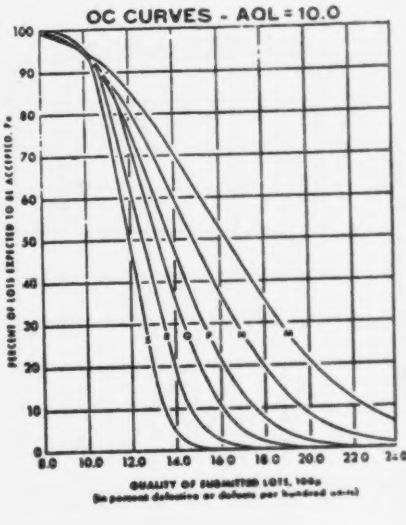
[Sampling plans—AQL=10.0]

Comparable sampling plans	Identification letter of OC curve																				
	A			C			F			H			J			K			L		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	2	0	1	4	1	2	9	2	3	13	3	4	21	4	5	29	5	6	48	8	9

	M			N			P			Q			R			S		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	84	13	14	126	18	19	200	27	28	315	41	42	500	62	63	800	95	96

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.





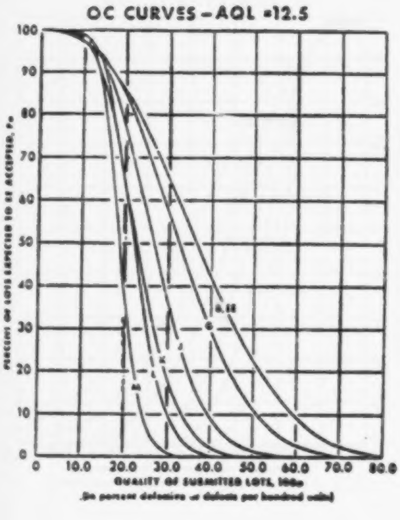
SAMPLING PLANS AND OPERATING CHARACTERISTICS (OC) CURVES FOR AQL = 12.5 PERCENT DEFECTIVE (OR AQL = 12.5 DEFECTS PER HUNDRED UNITS)

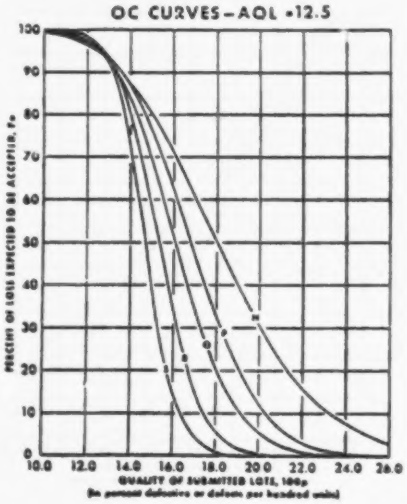
[Sampling plans—AQL = 12.5]

Identification letter of OC curve	Comparable sampling plans																	
	B, EE			G			J			K			L			M		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	7	2	3	11	3	4	21	5	6	29	6	7	48	10	11	84	15	16
Double	3 8	0 2	3 3															

	N			P			Q			R			S		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	126	22	23	200	33	34	315	50	51	500	76	77	800	117	118

n_c = Cumulative sample size. Ac = Acceptance number. Re = Rejection number.





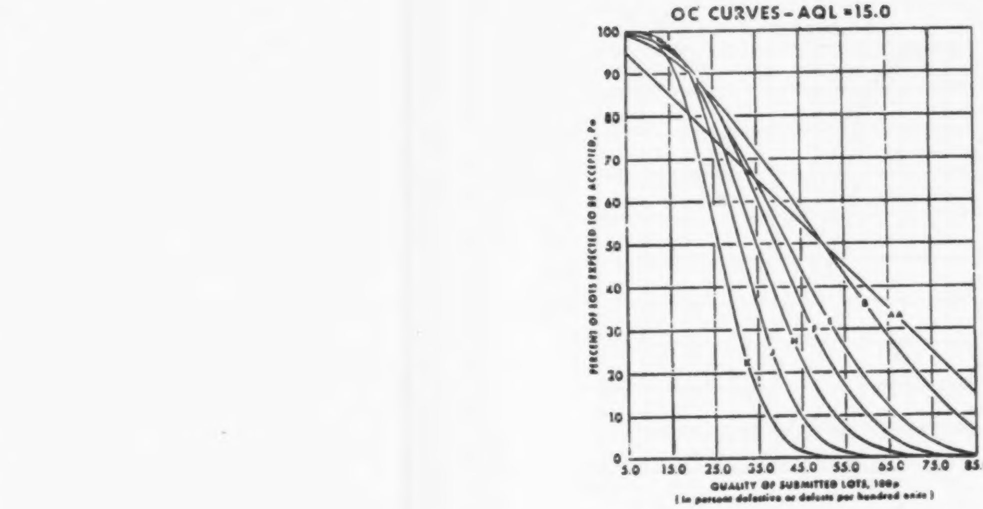
SAMPLING PLANS AND OPERATING CHARACTERISTIC (OC) CURVES FOR AQL=15.0 PERCENT DEFECTIVE (OR AQL=15.0 DEFECTS PER HUNDRED UNITS)

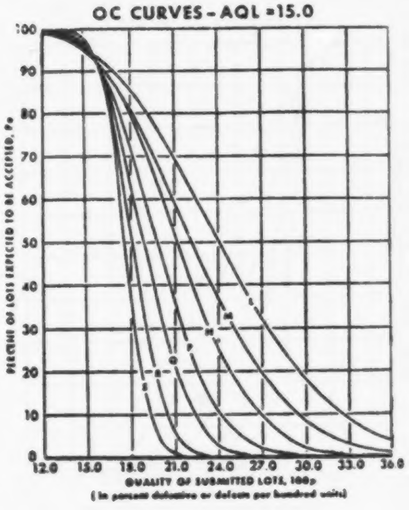
[Sampling plans—AQL=15.0]

Comparable sampling plans	Identification letter of OC curve																				
	AA			B			E			F			H			J			K		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	1	0	1	3	1	2	6	2	3	9	3	4	13	4	5	21	6	7	29	7	8

	L			M			N			P			Q			R			S		
	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re	n_c	Ac	Re
Single	48	11	12	84	18	19	126	26	27	200	39	40	315	59	60	500	90	91	800	140	141

n_c=Cumulative sample size. Ac=Acceptance number. Re=Rejection number.





PARTS 44—45 [RESERVED]

FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

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